

AO 243 (Rev. 2/95)

2:07CV893-mef

MOTION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT
SENTENCE BY A PERSON IN FEDERAL CUSTODY

United States District Court		District: <u>Alabama Middle District (Montgomery)</u>
Name of Movant: <u>Alfonso Norman</u>	Prisoner No.: <u>A 10: 05/1288-002</u>	Case No.: <u>2:03 cr 229-F</u>
Place of Confinement: <u>Federal Correctional Institute Memphis TN</u>		
UNITED STATES OF AMERICA DEBRA P. HACKETT, CLK U.S. DISTRICT COURT MIDDLE DISTRICT ALA V. <u>Alfonso Norman</u> (name under which convicted)		

MOTION

1. Name and location of court which entered the judgment of conviction under attack

United States District Court For The Middle District of Alabama
P.O. BOX 711 Montgomery Alabama 36101

2. Date of judgment of conviction

October 1 2004

3. Length of sentence

121 months

4. Nature of offense involved (all counts)

- 1 21 U.S.C. 846 Conspiracy to Distribute / Possess with Intent to
Distribute Cocaine Hydrochloride
- 2 21 U.S.C. 846 Conspiracy to Dist / Poss with Intent to distr cocaine
Base
- 3 & 4 21 U.S.C. 841 (A)(1) Possess with Intent to distribute Cocaine Base / Hydrochloride

5. What was your plea? (Check one)

(a) Not guilty ☒(b) Guilty ☐(c) Nolo contendere ☐

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

6. If you pleaded not guilty, what kind of trial did you have? (Check one)

(a) Jury ☒(b) Judge only ☐

7. Did you testify at the trial?

Yes ☐No ☒

8. Did you appeal from the judgment of conviction?

Yes ☒No ☐

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9. If you did appeal, answer the following:

- (a) Name of court ~~2d~~ The United States Court of Appeals for the 11th circuit
(b) Result The Supreme Court of the United States AFFIRM
(c) Date of result 1/11/06 10/2/06

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any federal court?

Yes ☐ No ☒

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court

(2) Nature of proceeding

NA

(3) Grounds raised

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐

(5) Result

NA

(6) Date of result

(b) As to any second petition, application or motion give the same information:

(1) Name of court

(2) Name of proceeding

(3) Grounds raised

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(4) Did you receive an evidentiary hearing on your petition, application or motion?
 Yes ☐ No ☐

(5) Result

(6) Date of result

(c) Did you appeal, to an appellate federal court having jurisdiction, the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☐ No ☐

(2) Second petition, etc. Yes ☐ No ☐

(d) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

NA

12. State *concisely* every ground on which you claim that you are being held in violation of the constitution, laws or treaties of the United States. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: If you fail to set forth all grounds in this motion, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in these proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you have other than those listed. However, you should raise in this motion all available grounds (relating to this conviction) on which you based your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The motion will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily or with understanding of the nature of the charge and the consequences of the plea.
 (b) Conviction obtained by use of coerced confession.

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- ☒ (a) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- ☒ (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: The defendant claims his conviction was illegally obtained and sentence illegally imposed based on evidence that was used at his trial and for sentencing that was obtained by the district court in violation of his 6th and 14th amendment right to due process of law and

Supporting FACTS (state briefly without citing cases or law):

Pretrial counsel was ineffective by not raising the issue in a pretrial motion or objecting to the admissibility of the evidence at trial or sentence which violated his 6th amendment right.

The search warrant in defendant case was issued in violation of state law (see Exhibit A) by a Montgomery municipal court Judge, Ala Code 1975 12-14-32 only authorizes municipal court Judges to issue search warrants for violations of state law returnable to state court. The warrant was never returned to state court. Ala Code 15-5-2 requires the officer effecting the search warrant must retain the property in his possession, subject to the order of the court to

B. Ground two:

which he is required to return the proceedings. The Montgomery police Department turned the evidence over to the U.S. Marshal without an order from state court

(see Exhibit B). Ala rule Crim. P. 3.10 requires the Judge to endorse the

Supporting FACTS (state briefly without citing cases or law):

warrant showing the hour. The search warrant was not endorsed with the hour (see Exhibit A)

C. Ground three:

Supporting FACTS (state briefly without citing cases or law):

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D. Ground four: The Defendant claims his 5th amendment right to due process of law was violated by the District Court by using relevant conduct 3.9 kilograms that was not charged in his indictment in violation of his 6th Amendment right to notice of the charge.

Supporting FACTS (state briefly without citing cases or law):

to find the offense at Level 30 and attributing 3 Criminal History points to his Criminal History Category for a 1990 Prior Conviction of Possession of a Controll substance that was obtained in violation of his 6th amendment right to notice of the charge and sentencing counsel was ineffective for not objecting to this in the Pre Sentence Report and at sentencing in violation of his 6th amendment right to effective assistance of counsel. (See) Exhibits C, D, E. The defendant offense level should have been Level 34 and his Criminal history points should have been 1, Guideline range 24-53 months.

13. If any of the grounds listed in 12A, B, C, and D were not previously presented, state briefly what grounds were not so presented, and give your reasons for not presenting them:

The Defendant ~~claims~~ states that none of the grounds were presented previously and that at that time he did not know or understand any of the law's so he had to trust and depend on his attorneys to raise or present the issues.

14. Do you have any petition or appeal now pending in any court as to the judgment under attack?

Yes ☐ No ☒

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein

(a) At preliminary hearing

Bruce Maddox
6728 Taylor Court
Montgomery, AL 36117

(b) At arraignment and plea

Bruce Maddox
6728 Taylor Court
Montgomery, AL 36117

(c) At trial

Donald Madison
418 Scott Street
Montgomery, AL 36104

(d) At sentencing

Donald Madison
418 Scott Street
Montgomery, AL 36104

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(e) On appeal Law Office of Marcia G. Shein
2392 North Decatur Road, Decatur GA 30033

(f) In any post-conviction proceeding

NA

(g) On appeal from any adverse ruling in a post-conviction proceeding

NA

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at approximately the same time?

Yes ☒ No ☐

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future: NA

(b) Give date and length of the above sentence: NA

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

Yes ☐ No ☐

NA

Wherefore, movant prays that the Court grant him all relief to which he may be entitled in this proceeding.

Signature of Attorney (if any)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

10/11/07

Date

Alfonso Hounen
Signature of Movant

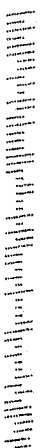
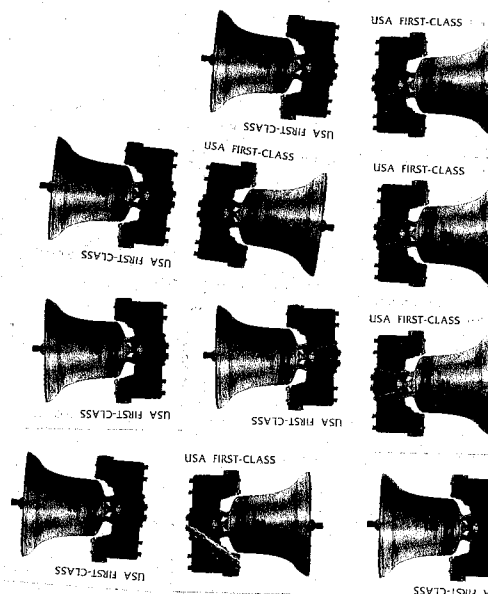
Hiltenso Norman
P.O. Box 34550

Federal Correctional Institute
Memphis, TN 38184

Delivered

Attention: Clerks Office
United States District Court
Middle District of Alabama
Post Office Box 711
Montgomery, AL 36104

36101-0711



SEARCH WARRANT

STATE OF ALABAMA)
COUNTY OF MONTGOMERY)
CITY OF MONTGOMERY)


TO ANY SHERIFF, DEPUTY, MUNICIPAL OFFICER OR CHIEF OF POLICE:

Proof of affidavits which are attached hereto and incorporated by reference, having been made this day before me, by Corporal J. T. Conway with the Special Operations Division, Narcotics and Intelligence Bureau of the Montgomery Police Department, Montgomery, Alabama. You are hereby commanded to make immediate search of the premises of:

2429 East 4th Street, Montgomery, Alabama.

For the following property: controlled substances, controlled substance paraphernalia, drug related documents, monies, drug records, and any items listed in Attachment I. If you find the same or any part thereof, to bring it forthwith before me, at my office at Municipal Court, Montgomery County, Alabama; or if the said warrant is issued for violations of a state law, return the same to any State Court.

Dated this 25 day of Sept., 2003.



Judge, Municipal Court
City of Montgomery
Montgomery, Alabama

Exhibit A

ATTACHMENT I

1. **Controlled, dangerous substances and related paraphernalia.**
2. **Books, records, receipts, notes, ledgers, and other papers relating to the transportation, ordering, purchase and distribution of controlled substances.**
3. **Papers, tickets, notes, schedules, receipts, and other items relating to domestic and international travel.**
4. **Books, records, receipts, bank statements and records, money drafts, letters of credit, money order and cashier's checks, receipts, pass books, bank checks, safe deposit box keys, and other items evidence of the obtaining, secreting, transfer, concealment and/or the proceeds of illegal drug trafficking.**
5. **United States currency, precious metals, jewelry, and financial instruments, including stocks and bonds in amounts indicative of the proceeds of illegal drug trafficking.**
6. **Photographs, in particular, photographs of co-conspirators, of assets and/or controlled substances.**
7. **Receipts for items evidencing the expenditure of the proceeds of drug distribution, including, but not limited to, clothing, furniture and electronic equipment.**
8. **Paraphernalia for packaging, cutting, weighing, and distributing controlled substances, including, but not limited to, scales, baggies, spoons, walkie-talkies, CB's, night vision devices, police scanners, binoculars and parabolic microphones.**
9. **Indicia of occupancy, residency, and/or ownership of the premises, including, but not limited to, utility and telephone bills, keys and cancelled envelopes.**
10. **Firearms**
11. **Computers, disks, CD's, including, but not limited to, items used to store or transmit materials, recipes or proceeds used in the manufacture, distribution or possession of illegal drugs.**

Read Instructions on Reverse
before completing

165855

U.S. Department of Justice
Drug Enforcement Administration

REPORT OF DRUG PROPER

COLLECTED, PURCHASED OR SEIZED

HOW OBTAINED (Check) <input type="checkbox"/> Purchase <input checked="" type="checkbox"/> Seizure <input type="checkbox"/> Free Sample <input type="checkbox"/> Lab. Seizure <input type="checkbox"/> Money Flashed <input type="checkbox"/> Compliance Sample (Non-Criminal) <input type="checkbox"/> Internal Body Carry <input type="checkbox"/> Other (Specify)			2a. FILE NO. [REDACTED]	2b. PROGRAM CODE HID 100	3. G-DEP ID [REDACTED]
1a. WHERE OBTAINED (City, State/Country) MONTGOMERY, ALABAMA			4b. DATE OBTAINED 09/25/2003		
6a. REFERRING AGENCY (Name)			5. FILE TITLE [REDACTED]		
6b. REFERRAL <input type="checkbox"/> Case No. OR <input type="checkbox"/> Seizure No No.			7. DATE PREPARED 09/26/2003		
			8. GROUP NO. 2		
9. Exhibit No.	10. FDIN (10 characters)	11. ALLEGED DRUGS	12. MARKS OR LABELS (Describe fully)	APPROX. GROSS QUANTITY	
	2004000462	COCAINE HCL	ONE DEA EVIDENCE BAG	13. Seized 1,381.81gg	14. Submitted 1,381.81gg
			CONTAINING A ZIP LOCK BAG		
			WITH A BLOCK OF WHAT		
			APPEARS TO BE COCAINE		
			INSIDE ANOTHER ZIP LOCK BAG		
			THAT CONTAINS AN UNKNOWN		
			TYPE OF GREASE.		
			FINGERPRINT ANALYSIS		

16. IS ORIGINAL CONTAINER SUBMITTED SEPARATE FROM DRUG? ☒ NO (Included above) ☐ YES (If Yes, enter exhibit no. and describe original container fully)

On 09/25/2003 exhibit 6 was seized during a search warrant at 2429 East Fourth Street, Montgomery, Alabama. Exhibit 6, which was packaged in an unknown type of greas, was located by Sergeant M.N. Drummond underneath the couch in the Den. Drummond turned exhibit 6 over to Det Bartlett on the same date. Bartlett maintained exhibit 6 until turning it over to TFO. Winard on the same date. TFO. Wingard maintained custody of exhibit 6 until processing and submitting it to the South Central Lab in Dallas, TX for analysis (RRR).

17. SUBMITTED BY SPECIAL AGENT (Signature)
TFO. C.A. WINGARD *TFO. C.A. Wingard*

18. APPROVED BY (Signature & Title)
GS MARSHAL SIMONS *GS MARSHAL SIMONS*

LABORATORY EVIDENCE RECEIPT REPORT

19. NO. PACKAGES 1	20. RECEIVED FROM (Signature & Date) RR 818 614522US	21. Print or Type NAME and TITLE
22. SEAL <input type="checkbox"/> Broken <input checked="" type="checkbox"/> Unbroken	23. RECEIVED BY (Signature & Date) Elizabeth Cole 7 Oct 03	24. Print or Type NAME and TITLE Liz Cole Evid Tech

LABORATORY REPORT

ANALYSIS SUMMARY AND REMARKS

Exhibit 6 contains Procaine, Caffeine, and Cocaine HCl
 Gross Wt: 1383 grams Net Wt: 983.1 grams
 Requested item submitted for fingerprint examination. A separate report will follow.

26. Exhibit No.	27. Lab. No.	28. ACTIVE DRUG INGREDIENT (Established or Common Name)	CONCENTRATION			32. AMT. OF PURE DRUG	33. RESERVE
			29. Strength	30. Measure	31. Unit		
6	165839	Cocaine HCl	64	%		629.2g	982.5g

34. ANALYST (Signature)
Rajesh R. Patel *Rajesh R. Patel*

35. TITLE
Forensic Chemist

36. DATE COMPLETED
10/27/03

37. APPROVED BY (Signature & Date)
Darrell L. Davis *Darrell L. Davis* 11-5-03

38. TITLE
Laboratory Director

39. LAB. LOCATION
Dallas, TX

EXHIBIT B

10/28/03 120
000093

U.S. Department of Justice
Drug Enforcement AdministrationRead Instructions on Reverse
before completing.

REPORT OF DRUG PROPERLY COLLECTED, PURCHASED OR SEIZED

1. HOW OBTAINED (Check) <input type="checkbox"/> Purchase <input checked="" type="checkbox"/> Seizure <input type="checkbox"/> Free Sample <input type="checkbox"/> Lab. Seizure <input type="checkbox"/> Money Flashed <input type="checkbox"/> Compliance Sample (Non-Criminal) <input type="checkbox"/> Internal Body Carry <input type="checkbox"/> Other (Specify) _____			2a. FILE NO. [REDACTED]		2b. PROGRAM CODE HID 100		3. G-DEP ID [REDACTED]	
4a. WHERE OBTAINED (City, State/Country) MONTGOMERY, ALABAMA			4b. DATE OBTAINED 09/25/2003		5. FILE TITLE [REDACTED]			
6a. REFERRING AGENCY (Name) [REDACTED]			6b. REFERRAL <input type="checkbox"/> Case No. OR <input type="checkbox"/> Seizure No. No. _____		7. DATE PREPARED 09/26/2003		8. GROUP NO. 2	
9. Exhibit No.	10. FDIN (10 characters)	11. ALLEGED DRUGS	12. MARKS OR LABELS (Describe fully)		APPROX. GROSS QUANTITY		15. Purchase Cost	
5	2004000462	COCAINE HCL	ONE DEA EVIDENCE BAG CONTAINING THREE BRICKS AND TWO INDIVIDUALLY PACKAGED CLEAR BAGS OF WHAT APPEARS TO BE COCAINE HCL		13. Seized 3,142.49gg		14. Submitted 3,142.39gg	
							N/A	

1. AS ORIGINAL CONTAINER SUBMITTED SEPARATE FROM DRUG? ☐ NO (Included above) ☐ YES (if Yes, enter exhibit no. and describe original container fully)

REMARKS:
On 09/25/2003 exhibit 5 was seized during a search warrant at 2429 East Fourth Street, Montgomery, Alabama. Exhibit 5 was located by Sergeant M.N. Drummond in the laundry room in the dryer. Drummond turned exhibit 5 over to Det Bartlett on the same date. Bartlett maintained exhibit 5 until turning it over to TFO. Winard on the same date. TFO. Wingard maintained custody of exhibit 5 until processing and submitting it to the South Central Lab in Dallas, TX for analysis (RRR).

17. SUBMITTED BY SPECIAL AGENT (Signature)
TFO. C.A. WINGARD *TFO. C.A. Wingard*

18. APPROVED BY (Signature & Title)
GS MARSHAL SIMONS *GS MARSHAL SIMONS*

LABORATORY EVIDENCE RECEIPT REPORT

19. NO. PACKAGES 1	20. RECEIVED FROM (Signature & Date) RR818 614522US	21. Print or Type NAME and TITLE [REDACTED]
22. SEAL <input type="checkbox"/> Broken <input checked="" type="checkbox"/> Unbroken	23. RECEIVED BY (Signature & Date) <i>Elizabeth Cole</i> 7 Oct 03	24. Print or Type NAME and TITLE U2Cdr Evelyn

LABORATORY REPORT

2. ANALYSIS SUMMARY AND REMARKS

Exhibit 5 contains Procaine, Caffeine, and Cocaine HCl
 Gross Wt: 3143 grams Net Wt: 2952 grams
 Requested item submitted for fingerprint examination. A separate report will follow.

26. Exhibit No.	27. Lab. No.	28. ACTIVE DRUG INGREDIENT (Established or Common Name)	CONCENTRATION			32. AMT. OF PURE DRUG	33. RESERVE
			29. Strength	30. Measure	31. Unit		
5	165838	Cocaine HCl	62	7		1830g	2951g
34. ANALYST (Signature) Rajesh R. Patel <i>Rajesh R. Patel</i>			35. TITLE Forensic Chemist			36. DATE COMPLETED 10/27/03	
37. APPROVED BY (Signature & Date) Darrell L. Davis <i>Darrell L. Davis</i>			38. TITLE Laboratory Director			39. LAB. LOCATION Dallas, TX	

U.S. Department of Justice
Drug Enforcement AdministrationRead Instructions on Reverse
before completing

REPORT OF DRUG PROPER

COLLECTED, PURCHASED OR SEIZED

165840 **146**

T09539

HOW OBTAINED (Check) ☐ Purchase ☒ Seizure ☐ Free Sample
☐ Cab: Seizure ☐ Money Flashed ☐ Compliance Sample (Non-Criminal)
☐ Internal Body Carry ☐ Other (Specify) _____

2a. FILE NO. _____ 2b. PROGRAM CODE **HID 100** 3. G-DEP ID _____

4a. WHERE OBTAINED (City, State/Country) **MONTGOMERY, ALABAMA** 4b. DATE OBTAINED **09/25/2003** 5. FILE TITLE _____

6a. REFERRING AGENCY (Name) _____ 6b. REFERRAL ☐ Case No. OR ☐ Seizure No. _____ 7. DATE PREPARED **09/26/2003** 8. GROUP NO. **2**

9. Exhibit No.	10. FDIN (10 characters)	11. ALLEGED DRUGS	12. MARKS OR LABELS (Describe fully)	APPROX. GROSS QUANTITY		15. Purchase Cost
				13. Seized	14. Submitted	
7	210400462		ONE ZIP LOCK BAG CONTAINING WHAT APPEARS TO BE AN UNKNOWN TYPE OF GREASE USED IN THE PACKAGING OF ILLEGAL NARCOTICS DURING TRANSPORTATION			

16. WAS ORIGINAL CONTAINER SUBMITTED SEPARATE FROM DRUG? ☐ NO (included above) ☐ YES (if Yes, enter exhibit no. and describe original container fully)

REMARKS:
On 09/25/2003, exhibit 7 was seized during a search warrant at 2429 East Forth Street, Montgomery, Alabama. Exhibit 7 was located by Sergeant M.N. Drummond in the laundry room inside the washing machine. Drummond turned exhibit 7 over to Det. Bartlett on the same date. Bartlett turned exhibit 7 over to TFO. Wingard on the same date. TFO. Wingard maintained custody of exhibit 7 until processing and submitting it to the South Central Lab in Dallas, TX for analysis (RRR).

17. SUBMITTED BY SPECIAL AGENT (Signature) **TFO. C.A. WINGARD** 18. APPROVED BY (Signature & Title) **GS MARSHAL SIMONS**

LABORATORY EVIDENCE RECEIPT REPORT

19. NO. PACKAGES **1** 20. RECEIVED FROM (Signature & Date) **RLB18614522US** 21. Print or Type NAME and TITLE _____

22. SEAL ☐ Broken ☒ Unbroken 23. RECEIVED BY (Signature & Date) **Elizabeth Cole 7/21/03** 24. Print or Type NAME and TITLE **Liz Cole Evid Tech**

LABORATORY REPORT

ANALYSIS SUMMARY AND REMARKS

No Analysis

Requested item submitted for fingerprint examination. A separate report will follow.

26. Exhibit No.	27. Lab. No.	28. ACTIVE DRUG INGREDIENT (Established or Common Name)	CONCENTRATION			32. AMT. OF PURE DRUG	33. RESERVE
			29. Strength	30. Measure	31. Unit		
7	165840	No Analysis					

34. ANALYST (Signature) **Arreesh R. Patel** 35. TITLE **Forensic Chemist** 36. DATE COMPLETED **10/27/03**

37. APPROVED BY (Signature & Date) **Arrell L. Davis** 38. TITLE **Laboratory Director** 39. LAB. LOCATION **Dallas, TX**

Previous edition dated 4/90 may be used until stock is exhausted.

U.S. Department of Justice
Enforcement Administration

10531

REPORT OF DRUG PROPERLY COLLECTED, PURCHASED OR SEIZED

HOW OBTAINED (Check) <input type="checkbox"/> Purchase <input checked="" type="checkbox"/> Seizure <input type="checkbox"/> Free Sample <input type="checkbox"/> Lab. Seizure <input type="checkbox"/> Money Flashed <input type="checkbox"/> Compliance Sample (Non-Criminal) <input type="checkbox"/> Internal Body Carry <input type="checkbox"/> Other (Specify)		2a. FILE NO. [REDACTED]	2b. PROGRAM CODE HID 100	3. G-DEP ID [REDACTED]
1. WHERE OBTAINED (City, State/Country) MONTGOMERY, ALABAMA		4b. DATE OBTAINED 09/25/2003		5. FILE TITLE [REDACTED]
6a. REFERRING AGENCY (Name)		6b. REFERRAL <input type="checkbox"/> Case No. OR <input type="checkbox"/> Seizure No. No.		7. DATE PREPARED 09.26/2003
				8. GROUP NO. 2

Exhibit No.	10. FDIN (10 characters)	11. ALLEGED DRUGS	12. MARKS OR LABELS (Describe fully)	APPROX. GROSS QUANTITY		15. Purchase Cost
				13. Seized	14. Submitted	
	20046004K2	COCAINE HCL	ONE DEA EVIDENCE BAG CONTAINING WHAT APPEARS TO BE COCAINE HCL INSIDE A NAPKIN AND A SMALL PLASTIC BAG	31.90gg	31.90gg	N/A

16. WAS ORIGINAL CONTAINER SUBMITTED SEPARATE FROM DRUG? ☐ NO (included above) ☐ YES (If Yes, enter exhibit no. and describe original container fully)

On 09/25/2003, exhibit 4 was seized by Cpl. Conway. Cpl. Conway, after receiving information that Alfonzo NORMAN was being resupplied with drug, and conducting surveillance at the residence of 2429 East Fourth St., observed Alfonzo NORMAN exhibit the residence and throw something into the trash can that was sitting on the street in front of the residence. The substance was field tested by Conway with positive results of cocaine hcl. Conway turned exhibit 4 over to Det. Bartlett. Bartlett turned exhibit 4 over to TFO. Wingard. TFO. Wingard processed and submitted the exhibit to the South Central Lab in Dallas, TX for analysis (RRR).

17. SUBMITTED BY SPECIAL AGENT (Signature)
TFO. C.A. WINGARD

18. APPROVED BY (Signature & Title)
GS MARSHAL SIMONS

19. NO. PACKAGES 1		20. RECEIVED FROM (Signature & Date) RRR 018614522US		21. Print or Type NAME and TITLE	
22. SEAL <input type="checkbox"/> Broken <input checked="" type="checkbox"/> Unbroken		23. RECEIVED BY (Signature & Date) Elizabeth Cole 7/20/03		24. Print or Type NAME and TITLE Lr Cole Gnd Tech	

LABORATORY EVIDENCE RECEIPT REPORT

15. ANALYSIS SUMMARY AND REMARKS

Exhibit 4 contains Procaine and Cocaine Base
Gross Wt: 32.2 grams Net Wt: Residue
Requested item submitted for fingerprint examination. A separate report will follow.

Exhibit No.	27. Lab. No.	28. ACTIVE DRUG INGREDIENT (Established or Common Name)	CONCENTRATION			32. AMT. OF PURE DRUG	33. RESERVE
			29. Strength	30. Measure	31. Unit		
4	165837	Cocaine Base					Residue

34. ANALYST (Signature)
Ajesh R. Patel

35. TITLE
Forensic Chemist

36. DATE COMPLETED
10/27/03

37. APPROVED BY (Signature & Date)
Arrell L. Davis

38. TITLE
Laboratory Director

39. LAB. LOCATION
Dallas, TX

FILED

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

OCT 29 2003

UNITED STATES OF AMERICA

v.

ANDREW KENNETH JAMES
a/k/a, "Big Kenny,"
ALPHONSO NORMAN,
a/k/a, "Scooter," and
CAPULCO PERALTE
a/k/a, "Cappuccino,"
a/k/a, "Black"

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

CR. NO. 03-229-N
[21 USC 846,
21 USC 841(a)(1)]

INDICTMENT

The Grand Jury charges:

COUNT 1

From an unknown date and continuing to about the month of September, 2003, the exact dates being unknown to the Grand Jury, in Montgomery County, Alabama, within the Middle District of Alabama,

ANDREW KENNETH JAMES
a/k/a, "Big Kenny,"
ALPHONSO NORMAN,
a/k/a, "Scooter," and
CAPULCO PERALTE
a/k/a, "Cappuccino,"
a/k/a, "Black"

defendants herein, did knowingly and willfully combine, conspire, confederate and agree together with other persons known and unknown to the Grand Jury to knowingly and intentionally distribute and possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of cocaine hydrochloride, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1), all in violation of Title 21, United States Code, Section 846.

Exhibit C

COUNT 2

From an unknown date and continuing to about the month of September, 2003, the exact dates being unknown to the Grand Jury, in Montgomery County, Alabama, within the Middle District of Alabama,

ANDREW KENNETH JAMES
a/k/a, "Big Kenny,"
ALPHONSO NORMAN,
a/k/a, "Scooter," and
CAPULCO PERALTE
a/k/a, "Cappuccino,"
a/k/a, "Black"

defendants herein, did knowingly and willfully combine, conspire, confederate and agree together with other persons known and unknown to the Grand Jury to knowingly and intentionally distribute and possess with intent to distribute a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1), all in violation of Title 21, United States Code, Section 846.

COUNT 3

On or about the 25th day of September, 2003, in Montgomery County, within the Middle District of Alabama, the defendants,

ANDREW KENNETH JAMES
a/k/a, "Big Kenny,"
ALPHONSO NORMAN,
a/k/a, "Scooter," and
CAPULCO PERALTE
a/k/a, "Cappuccino,"
a/k/a, "Black"

did knowingly and intentionally possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of cocaine hydrochloride, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 4

On or about the 25th day of September, 2003, in Montgomery County, within the Middle District of Alabama, the defendants,

ANDREW KENNETH JAMES
a/k/a, "Big Kenny,"
ALPHONSO NORMAN,
a/k/a, "Scooter," and
CAPULCO PERALTE
a/k/a, "Cappuccino,"
a/k/a, "Black"

did knowingly and intentionally possess with intent to distribute a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

FORFEITURE ALLEGATION

A. Counts 1-4 of this indictment are hereby repeated and incorporated herein by reference.

B. Upon Conviction for violation of Title 21, United States Code, Sections 846 and 841(a)(1) as alleged in Counts 1-4 of this indictment, the defendants:

ANDREW KENNETH JAMES
a/k/a, "Big Kenny,"
ALPHONSO NORMAN,
a/k/a, "Scooter," and
CAPULCO PERALTE
a/k/a, "Cappuccino,"
a/k/a, "Black"

shall forfeit to the United States pursuant to Title 21, United States Code, Section 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Counts 1-4 of this Indictment.

C. Substitute Assets

If any forfeitable property, as a result of any act or omission of the defendant:

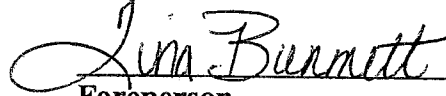
- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be subdivided without

difficulty;

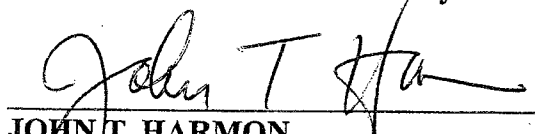
it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property.


All in violation of Title 21, United States Code, Sections 841, 846, and 853.

A TRUE BILL:


Foreperson


LEURA GARRETT CANARY
Assistant United States Attorney


JOHN T. HARMON
Assistant United States Attorney


TODD A. BROWN
Assistant United States Attorney

91-398-R

GJ NO. 232 HAR 122

THE STATE OF ALABAMA

v.

ALFONSO NORMAN, alias

b/m, 7/23/72, 3773 Riviera Rd.

SID NO. ARREST DATE 12/03/90

FOR

POSSESSION/RECEIPT OF CONTROLLED SUBSTANCE

A TRUE BILL

E. Lee J.
Foreperson of Grand Jury

No Prosecutor

BAIL IN THIS CASE IS FIXED AT

\$ 2,000.00Eugene W. Reese
Judge of Circuit Court of Montgomery County

CC NO. _____

Presented in open Court by the Foreperson of
the Montgomery County Grand Jury in the
presence of 16 other members of
the Grand Jury and filed this 13 day ofFeb, 19 91Debra P. Thacker

Clerk of the Circuit Court of Montgomery County

WITNESSES

D.L. Whittle, MPD

G.L. Graves, MPD

W.E. Gorden, MPD

A. Mitchell, FDS

Allen Chapel, 4317 Radburn Rd.

Rodney LaSalle Harris, 809 Burbank Dr

Deneco Eric Nettles, 1306 Jordan St.

Haywood Norman, 3773 Riveria Rd.

RULE 32 PETITION EXHIBIT-B

EXHIBIT-B

RULE 32 PETITION EXHIBIT-B

THE STATE OF ALABAMA

MONTGOMERY COUNTY

Circuit Court of Montgomery County. February Term, A. D. 19⁹¹

The Grand Jury of said County charge that, before the finding of this indictment,

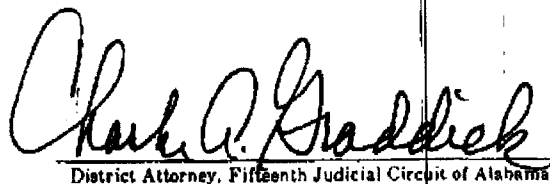
ALFONSO NORMAN, alias
AL NORMAN,

whose name is otherwise unknown to the Grand Jury, did unlawfully and
willfully possess COCAINE, a controlled substance, in violation of Section
13A-12-212 of the Code of Alabama,

D2

RULE 32 PETITION EXHIBIT-B

against the peace and dignity of the State of Alabama.


District Attorney, Fifteenth Judicial Circuit of Alabama

UNITED STATES DISTRICT COURT

MIDDLE

District of

ALABAMA

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

ALPHONSO NORMAN

Case Number: 2:03CR229-002-F

USM Number: 11288-002

Donald G. Madison

Defendant's Attorney

THE DEFENDANT:

☐ pleaded guilty to count(s) _____☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☒ was found guilty on count(s) 1,2,3 and 4 of the Indictment by a jury on 7/14/2004
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
21:U.S.C. 846	Conspiracy to Distribute/Possess with Intent to Distribute Cocain Hydrochloride	9/25/2003	1
21:U.S.C. 846	Conspiracy to Distr./Possess with Intent to Distr. Cocaine Base	9/25/2003	2
21:U.S.C. 841(a)(1)	Possess with Intent to Distribute Cocaine Hydrochloride	9/25/2003	3
21:U.S.C. 841(a)(1)	Possess with Intent to Distribute Cocaine Base	9/25/2003	4

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

October 1, 2004

Date of Imposition of Judgment


 Signature of Judge
MARK E. FULLER, CHIEF UNITED STATES DISTRICT JUDGE

Name and Title of Judge

5 October 2004

Date

DEFENDANT: ALPHONSO NORMAN
CASE NUMBER: 2:03CR229-002

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

121 Months. This sentence consists of terms of 121 months on each count to be served concurrently.

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends that defendant be designated to a facility where Intensive Residential Substance Abuse Treatment is available.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

a _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: ALPHONSO NORMAN
CASE NUMBER: 2:03CR229-002

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

4 Years. This term consists of 4 years on Counts 1 and 3 and 3 years on Counts 2 and 4, all such terms to run concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: ALPHONSO NORMAN
CASE NUMBER: 2:03CR229-002

SPECIAL CONDITIONS OF SUPERVISION

The defendant shall participate in drug testing and/or treatment if directed by the probation officer. Defendant shall contribute to the cost of any treatment based on ability to pay and availability of third party payments.

Defendant shall submit to a search of his person, residence, office, or vehicle pursuant to the search policy of this court.

DEFENDANT: ALPHONSO NORMAN
CASE NUMBER: 2:03CR229-002

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 400.00	\$ 0	\$ 0

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case*(AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

TOTALS	\$ _____	\$ _____
---------------	----------	----------

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: ALPHONSO NORMAN
CASE NUMBER: 2:03CR229-002

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 400.00 due immediately, balance due
- ☐ not later than _____, or
X in accordance ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:

Criminal monetary payments shall be made payable to the Clerk, U.S. District Court, P.O. Box 711, Montgomery, AL 36101.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

27BE

**U.S. District Court
Alabama Middle District (Montgomery)
CRIMINAL DOCKET FOR CASE #: 2:03-cr-00229-MEF-SRW-2
Internal Use Only**

Case title: USA v. Norman
Magistrate judge case number: 2:03-mj-00048

Date Filed: 10/29/2003
Date Terminated: 10/01/2004

Assigned to: Hon. Chief Judge Mark E.
Fuller
Referred to: Honorable Susan Russ
Walker
Appeals court case number:
'04-15292-F' 'USCA'

Defendant

Alphonso Norman (2)
TERMINATED: 10/05/2004
also known as
Scooter
TERMINATED: 10/05/2004

represented by **Bruce Maddox**
Law Office of Bruce Maddox
6728 Taylor Court
Montgomery, AL 36117
(334) 244-7333
Fax: 260-9600
Email: retrocam@aol.com
TERMINATED: 02/26/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

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Miller & Associates
1945 Mason Mill Road
Suite 200
Decatur, GA 30033
404.633.3797
Fax: 404.633.7980
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Donald Gordon Madison
418 Scott Street
Montgomery, AL 36104

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Designation: Retained

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517 Rosa L Parks Avenue
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Email: arringtonle@aol.com
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2030 East Second Street
Montgomery, AL 36106
334-834-2511
Fax: 834-2512
Email: tgoggans@tgoggans.com
TERMINATED: 02/26/2004
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

21:846 CONSPIRACY TO
DISTRIBUTE NARCOTICS - NMT
\$2,000,000, [*]; NLT 5Y, NMT 40Y,
B; NLT 5Y SUP REL; \$100 SA;
VWPA; G-LINES
(1)

21:841(a)(1) NARCOTICS - SELL,
DISTRIBUTE, OR DISPENSE - NMT
\$1,000,000, [*]; NMT 20Y, B; NLT 3Y
SUP REL; \$100 SA; VWPA; G-LINES
(2)

21:846 CONSPIRACY TO
DISTRIBUTE NARCOTICS - NMT
\$2,000,000, [*]; NLT 5Y, NMT 40Y,
B; NLT 5Y SUP REL; \$100 SA;
VWPA; G-LINES
(3)

Disposition

121 MOS IMP; 4 YS SUP REL; SA

121 MOS IMP; 4 YS SUP REL; SA

121 MOS IMP; 4 YS SUP REL; SA

21:841(a)(1) NARCOTICS - SELL,
DISTRIBUTE, OR DISPENSE - NMT
\$1,000,000, [*]; NMT 20Y, B; NLT 3Y
SUP REL; \$100 SA; VWPA; G-LINES
(4)

121 MOS IMP; 4 YS SUP REL; SA

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

21 USC 841(a)(1) - knowingly and
intentionally possess with intent to
distribute cocaine base and 500 grams
or more of cocaine hydrochloride, a
Schedule II Controlled Substance [
2:03-m -48]

Disposition

121 MOS IMP; 4 YS SUP REL; SA

Plaintiff

United States of America

represented by **Todd A. Brown**
U.S. Attorney's Office
PO Box 197
Montgomery, AL 36101-0197
334-223-7280
Fax: 223-7560
Email: todd.brown@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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Email: louis.franklin@usdoj.gov
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/26/2003	1	COMPLAINT as to Alphonso Norman, Andrew Kenneth James, Capulco Peralte [2:03-m -48] (sql) (Entered: 09/26/2003)
09/26/2003	2	Arrest WARRANT issued as to Alphonso Norman [2:03-m -48] (sql) (Entered: 09/26/2003)
09/26/2003		Initial appearance as to Alphonso Norman, Andrew Kenneth James, Capulco Peralte held before Mag. Judge Charles S. Coody on 9/26/03 (Defendant informed of rights.) [2:03-m -48] (ws) (Entered: 09/26/2003)
09/26/2003		(Court only) **Added Government Attorney Todd A. Brown as to Alphonso Norman, Andrew Kenneth James, Capulco Peralte [2:03-m -48] (ws) (Entered: 09/26/2003)
09/26/2003		(Court only) **Added party US Marshals Service, Montgomery U.S. Probation, U.S. Pretrial, USA Financial Unit [2:03-m -48] (ws) (Entered: 09/26/2003)
09/26/2003		(Court only) **Added ip party Alphonso Norman, Andrew Kenneth James, Capulco Peralte [2:03-m -48] (ws) (Entered: 09/26/2003)
09/26/2003	5	MOTION by USA as to Alphonso Norman for Detention Hearing [5-1] referred to Mag. Judge Delores R. Boyd [2:03-m -48] (ws) (Entered: 09/26/2003)
09/26/2003		(Court only) **Added for Alphonso Norman Attorney Bruce Maddox [2:03-m -48] (ws) (Entered: 09/26/2003)
09/26/2003		NOTICE to retained counsel given to Atty. Bruce Maddox at initial appearance as to Alphonso Norman [2:03-m -48] (ws) (Entered: 09/26/2003)
09/26/2003	10	Courtroom Deputy's Minutes as to Alphonso Norman : Initial Appearance (3:33 - 3:38) [2:03-m -48] (ws) (Entered: 09/26/2003)
09/26/2003		ARREST of Alphonso Norman, Andrew Kenneth James, Capulco Peralte [2:03-m -48] (ws) (Entered: 09/26/2003)
09/29/2003	14	ORDER of Temporary Detention as to Alphonso Norman Detention Hearing set for 2:00 10/2/03 for Alphonso Norman at Courtroom 4A (

		Signed by Mag. Judge Delores R. Boyd) , Copies furnished to: usa, ptso, uspo, counsel, usm [2:03-m -48] (sql) (Entered: 09/30/2003)
09/29/2003	17	Arrest WARRANT Returned Executed as to Alphonso Norman on 9/26/03 [2:03-m -48] (sql) (Entered: 09/30/2003)
10/01/2003	18	NOTICE That Counsel Has Not Been Retained by Thomas M. Goggans [2:03-m -48] (dmk) (Entered: 10/02/2003)
10/02/2003	19	NOTICE of Appearance for Alphonso Norman by Attorney Bruce Maddox [2:03-m -48] (jct) (Entered: 10/02/2003)
10/02/2003	20	MOTION by Alphonso Norman to Produce tape recordings of phone calls [20-1] referred to Mag. Judge Delores R. Boyd [2:03-m -48] (jct) (Entered: 10/02/2003)
10/02/2003		Preliminary Examination as to Alphonso Norman, Andrew Kenneth James, Capulco Peralte held before Mag. Judge Delores R. Boyd on 10/2/03 [2:03-m -48] (jct) (Entered: 10/02/2003)
10/02/2003		Detention hearing as to Alphonso Norman, Andrew Kenneth James, Capulco Peralte held before Mag. Judge Delores R. Boyd on 10/2/03 [2:03-m -48] (jct) (Entered: 10/02/2003)
10/02/2003	21	Courtroom Deputy's Minutes as to Alphonso Norman : Preliminary Examination/Detention Hearing. Witness list attached. (2:05 - 4:38 Boyd) [2:03-m -48] (jct) Modified on 10/02/2003 (Entered: 10/02/2003)
10/03/2003	28	ORDER as to Alphonso Norman denying [20-1] motion to Produce tape recordings of phone calls as to Alphonso Norman (1) (Signed by Mag. Judge Delores R. Boyd) Copies mailed to: Counsel, Deft, Copies furnished to: USA, USM, USPO, USPTS [2:03-m -48] (dmk) (Entered: 10/03/2003)
10/03/2003	29	ORDER finding probable cause as to Alphonso Norman; that deft. be held to answer charges against him (Signed by Mag. Judge Delores R. Boyd) Copies mailed to: Counsel, Deft, Copies furnished to: USA, USM, USPO, USPTS [2:03-m -48] (dmk) (Entered: 10/03/2003)
10/03/2003	30	ORDER that deft. be committed to custody of Attorney General or representative for confinement in corrections facility separate to persons awaiting or serving sentences or being held pending appeal, as further set out; that person in charge of facility deliver deft. to U. S. Marshal for purpose of appearances in court proceedings as to Alphonso Norman (Signed by Mag. Judge Delores R. Boyd) Copies mailed to: Counsel, Deft, Copies furnished to: USA, USM, USPO, USPTS [2:03-m -48] (dmk) (Entered: 10/03/2003)
10/10/2003		(Court only) **Reset last document number to 37 [2:03-m -48] (kcg) (Entered: 10/10/2003)
10/10/2003		(Court only) **Terminated document(s) as to Alphonso Norman, Andrew Kenneth James, Capulco Peralte : terminating [7-1] motion for Detention

		Hearing as to Capulco Peralte (3), terminating [6-1] motion for Detention Hearing as to Andrew Kenneth James (2), terminating [5-1] motion for Detention Hearing as to Alphonso Norman (1) [2:03-m -48] (sql) (Entered: 10/10/2003)
10/23/2003		TRANSCRIPT of preliminary/detention hearing filed in case as to Alphonso Norman, Andrew Kenneth James, Capulco Peralte for dates of 10/2/03 [Entrekin - reporter] [2:03-m -48] (sql) (Entered: 10/23/2003)
10/29/2003	47	INDICTMENT as to Andrew Kenneth James (1) count(s) 1, 2, 3, 4, Alphonso Norman (2) count(s) 1, 2, 3, 4, Capulco Peralte (3) count(s) 1, 2, 3, 4 (sql) (Entered: 10/30/2003)
10/29/2003		(Court only) **Added Government Attorney Todd A. Brown as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte (sql) (Entered: 10/30/2003)
10/29/2003		Magistrate Judge Susan Russ Walker assigned to case for discovery matters as well as matters subsequently referred by District Judge . (sql) (Entered: 10/30/2003)
10/29/2003		(sql) (Entered: 10/30/2003)
10/29/2003		(Court only) **Added party Andrew Kenneth James, Alphonso Norman, Capulco Peralte - Federal Inmate, c/o Montgomery City Jail, P. O. Box 159, Montgomery, Alabama 36101-0159 (sql) (Entered: 10/30/2003)
10/29/2003		(Court only) **Added party US Marshals Service, Montgomery U.S. Probation, U.S. Pretrial, USA Financial Unit (sql) (Entered: 10/30/2003)
10/30/2003	48	ORDER TO PRODUCE PRISONERS FOR ARRAIGNMENT as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte (sql) (Entered: 10/30/2003)
10/30/2003		Deadline updated as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte, set Arraignment for at 10:00 11/13/03 for Andrew Kenneth James, for Alphonso Norman, for Capulco Peralte for Courtroom 5B before Mag. Judge Susan R. Walker in Courtroom 5B (sql) (Entered: 10/30/2003)
11/07/2003	50	ARRAIGNMENT NOTICE as to Alphonso Norman ; Arraignment at 10:00 11/13/03 for Alphonso Norman at Courtroom 5B before Mag. Judge Susan R. Walker ; ARRAIGNMENT Notice sent to ATTORNEYS Bruce Maddox for defendant Alphonso Norman, Todd A. Brown for plaintiff USA (ekl) (Entered: 11/07/2003)
11/13/2003		ARRAIGNMENT as to Alphonso Norman held before Mag. Judge Susan R. Walker on 11/13/03 Defendant(s) appeared with counsel and after having been advised of Defendant(s)' rights, entered a plea of Not Guilty. (FTR: 10:21-10:27) (dmk) (Entered: 11/13/2003)
11/13/2003		PLEA of Not Guilty: Alphonso Norman (2) count(s) 1, 3, 2, 4 ; Court accepts plea. (dmk) (Entered: 11/13/2003)

11/13/2003	54	Courtroom Deputy's Minutes as to Alphonso Norman : Arraignment held before Mag. Judge Walker (FTR: 10:21-10:27) (dmk) (Entered: 11/13/2003)
11/13/2003		Notice to retained counsel hand delivered in open court to counsel as to Alphonso Norman (dmk) (Entered: 11/13/2003)
11/13/2003	56	MOTION by USA as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte to Amend Standing Order on Discovery and Notice of Potential Delay Pursuant to 18 USC 3161(h)(8) [56-1] referred to Mag. Judge Susan R. Walker (ekl) (Entered: 11/14/2003)
11/18/2003	<u>58</u>	ORDER on Arraignment as to Alphonso Norman directing that Discovery is due on or before 11/20/03 for Alphonso Norman Pretrial Motions due by 12/10/03 for Alphonso Norman ; Pretrial set 2:00 12/15/03 for Alphonso Norman in Courtroom 5B before Mag. Judge Susan R. Walker Jury Trial set 10:00 1/6/04 for Alphonso Norman in Courtroom 2F before Unassigned Judge and government response to pretrial motions due 10 days from motion filing date. (Signed by Mag. Judge Susan R. Walker) Copies mailed to: defendant, Copies furnished to: USA,USM,USPTS,USPO,YG,HC,JT,WR (ekl) (Entered: 11/19/2003)
11/25/2003	61	NOTICE of Appearance for Alphonso Norman by Attorney Thomas Martele Goggans as co-counsel (sql) (Entered: 11/25/2003)
11/25/2003	62	MOTION by Alphonso Norman to Suppress [62-1] referred to Mag. Judge Susan R. Walker (sql) (Entered: 11/25/2003)
12/04/2003	64	AMENDED MOTION by Alphonso Norman to Suppress (with attachments) [64-1] referred to Mag. Judge Susan R. Walker (ekl) (Entered: 12/04/2003)
12/04/2003	65	MOTION by Alphonso Norman to Dismiss Forfeiture Allegation [65-1] referred to Mag. Judge Susan R. Walker (ekl) (Entered: 12/04/2003)
12/04/2003	66	MOTION by Alphonso Norman to Bifurcate Proceedings [66-1] referred to Mag. Judge Susan R. Walker (ekl) (Entered: 12/04/2003)
12/11/2003	77	RESPONSE by USA as to Alphonso Norman in support of [66-1] defendant's motion to Bifurcate Proceedings (forfeiture/guilt) referred to Mag. Judge Susan R. Walker (ekl) (Entered: 12/11/2003)
12/11/2003	78	RESPONSE by USA as to Alphonso Norman re [65-1] motion to Dismiss Forfeiture Allegation referred to Mag. Judge Susan R. Walker (ekl) (Entered: 12/11/2003)
12/15/2003		Pre-trial conference as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte held before Mag. Judge Susan R. Walker on 12/15/03 (jct) (Entered: 12/15/2003)
12/15/2003	79	Courtroom Deputy's Minutes as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte : Pretrial Conference (2:21 - 2:33 Walker) (jct) (Entered: 12/15/2003)

12/16/2003	<u>80</u>	ORDER as to Alphonso Norman, Capulco Peralte Motion hearing set for 2:00 12/23/03 for Alphonso Norman, for Capulco Peralte before Mag. Judge Susan R. Walker in Courtroom 5B re: [73-1] motion to Suppress Evidence, Motion hearing set for 2:00 12/23/03 for Alphonso Norman, for Capulco Peralte before Mag. Judge Susan R. Walker in U.S. Courthouse re: [64-1] motion to Suppress (with attachments), Motion hearing set for 2:00 12/23/03 for Alphonso Norman, for Capulco Peralte before Mag. Judge Susan R. Walker in U.S. Courthouse re: [62-1] motion to Suppress; directing the USM to produce the defendant for the hearing (Signed by Mag. Judge Susan R. Walker) Copies mailed to: Counsel, Deft, Copies furnished to: USA, USM, USPO, USPTS, EL, JT, YG, HC (ws) (Entered: 12/16/2003)
12/16/2003	<u>82</u>	ORDER as to Alphonso Norman, Capulco Peralte Motion hearing reset from 12/23/03 at 2 pm to 2:00 12/29/03 for Alphonso Norman, for Capulco Peralte before Mag. Judge Susan R. Walker in Courtroom 5B re: [73-1] motion to Suppress Evidence, Motion hearing set for 2:00 12/29/03 for Alphonso Norman, for Capulco Peralte before Mag. Judge Susan R. Walker in Courtroom 5B re: [64-1] motion to Suppress (with attachments), Motion hearing set for 2:00 12/29/03 for Alphonso Norman, for Capulco Peralte before Mag. Judge Susan R. Walker in Courtroom 5B re: [62-1] motion to Suppress (Signed by Mag. Judge Susan R. Walker) Copies mailed to: defendants, Copies furnished to: USA,USM,USPTS,USPO,COUNSEL,DH,HC,JT (ekl) (Entered: 12/16/2003)
12/18/2003	83	Notice to Retained Counsel as to defendant Alphonso Norman sent to Thomas Martele Goggans for defendant Alphonso Norman (ekl) (Entered: 12/19/2003)
12/22/2003	86	RESPONSE by USA as to Alphonso Norman, Capulco Peralte re [73-1] motion to Suppress Evidence, [64-1] motion to Suppress (with attachments), [62-1] motion to Suppress referred to Mag. Judge Susan R. Walker (ws) (Entered: 12/22/2003)
12/29/2003		Deadline updated as to Alphonso Norman, Capulco Peralte, Motion hearing set for 2:00 1/8/04 for Alphonso Norman, for Capulco Peralte before Mag. Judge Susan R. Walker in Courtroom 5B re: [73-1] motion to Suppress Evidence, Motion hearing set for 2:00 1/8/04 for Alphonso Norman, for Capulco Peralte before Mag. Judge Susan R. Walker in Courtroom 5B re: [64-1] motion to Suppress (with attachments), Motion hearing set for 2:00 1/8/04 for Alphonso Norman, for Capulco Peralte before Mag. Judge Susan R. Walker in Courtroom 5B re: [62-1] motion to Suppress (jct) (Entered: 12/29/2003)
12/29/2003		(ekl) (Entered: 12/29/2003)
12/29/2003	<u>91</u>	ORDER as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte reset Jury Selection for for 2/18/04 for Andrew Kenneth James, for Alphonso Norman, for Capulco Peralte at Courtroom 2A before Judge

		Mark E. Fuller in Courtroom 2A , reset Jury Trial on 10:00 2/18/04 for Andrew Kenneth James, for Alphonso Norman, for Capulco Peralte before Judge Mark E. Fuller in Courtroom 2A (trial to last 2-3 days) , reset voir dire questions due on 2/11/04 for Andrew Kenneth James, for Alphonso Norman, for Capulco Peralte , reset proposed jury instructions due on 2/11/04 for Andrew Kenneth James, for Alphonso Norman, for Capulco Peralte , reset Motions in Limine Filing deadline to for 2/4/04 for Andrew Kenneth James, for Alphonso Norman, for Capulco Peralte , reset Plea Agreement deadline to for 2/9/04 for Andrew Kenneth James, for Alphonso Norman, for Capulco Peralte at U.S. Courthouse (Signed by Mag. Judge Susan R. Walker) Copies mailed to: defendants, Copies furnished to: USA,USM,USPTS,USPO,COUNSEL,YG,HC,WR,KG (ekl) (Entered: 12/29/2003)
12/29/2003		(ekl) (Entered: 12/29/2003)
12/29/2003		CASE assigned to Judge Mark E. Fuller (ekl) (Entered: 12/29/2003)
12/29/2003	92	BILL OF PARTICULARS for FORFEITURE of Property by USA as to Alphonso Norman (ekl) (Entered: 12/29/2003)
01/05/2004	93	ORDER as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte setting Pretrial Conference for 2:00 1/28/04 for Andrew Kenneth James, for Alphonso Norman, for Capulco Peralte at U.S. Courthouse before Judge Mark E. Fuller in U.S. Courthouse (Signed by Mag. Judge Susan R. Walker) Copies mailed to: Counsel, Copies furnished to: USA,USPS,USPO,USMS,YG,HC,JT (kcg) (Entered: 01/05/2004)
01/08/2004		Motion hearing as to Alphonso Norman, Capulco Peralte re: [73-1] motion to Suppress Evidence Motion hearing held, [64-1] motion to Suppress (with attachments) Motion hearing held, [62-1] motion to Suppress Motion hearing held (jct) (Entered: 01/09/2004)
01/08/2004	94	Courtroom Deputy's Minutes as to Alphonso Norman, Capulco Peralte : Suppression Hearing (Jimmy Dickens, Court Reporter) (Witness list and Exhibit list attached - exhibits in separate envelope with court file) (jct) (Entered: 01/09/2004)
01/09/2004		Continuation of Motion hearing as to Alphonso Norman, Capulco Peralte re: [73-1] motion to Suppress Evidence, [64-1] motion to Suppress (with attachments), [62-1] motion to Suppress (jct) (Entered: 01/09/2004)
01/09/2004	95	Courtroom Deputy's Minutes as to Alphonso Norman, Capulco Peralte : Continuation of 1/8/04 Suppression Hearing (Jimmy Dickens, Court Reporter) (Witness list and Exhibit list attached - Exhibit in separate envelope with court file) (jct) (Entered: 01/09/2004)
01/16/2004	96	STAMPED ORDER as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte granting [56-1] motion to Amend Standing Order on Discovery and Notice of Potential Delay Pursuant to 18 USC 3161(h)(8) as to Andrew Kenneth James (1), Alphonso Norman (2), Capulco Peralte (3) (Entered by Mag. Judge Susan R. Walker) , Copies furnished to:

		USA,USM,USPTS,USPO,COUNSEL (ekl) (Entered: 01/16/2004)
01/16/2004	<u>98</u>	REPORT AND RECOMMENDATIONS of Mag. Judge Susan R. Walker as to Alphonso Norman, Capulco Peralte Re: [73-1] motion to Suppress Evidence, [64-1] motion to Suppress (with attachments), [62-1] motion to Suppress ; Motion no longer referred Objections to R and R due by 1/29/04 Copies mailed to: Dfts., Counsel, Copies furnished to: USA,USPS,USPO,USMS,JT (kcg) (Entered: 01/16/2004)
01/16/2004	<u>99</u>	ORDER as to Alphonso Norman denying [65-1] motion to Dismiss Forfeiture Allegation as to Alphonso Norman (2) (without prejudice based on the government's representation that it will file an appropriate bill of particulars no later than the day before trial (See Doc. #78). Signed by Judge Mark E. Fuller) Copies mailed to: Dft., Counsel, Copies furnished to: USA,USPS,USPO,USMS (kcg) (Entered: 01/16/2004)
01/16/2004	<u>100</u>	ORDER as to Alphonso Norman granting [66-1] motion to Bifurcate Proceedings as to Alphonso Norman (2) (Signed by Judge Mark E. Fuller) Copies mailed to: Dft., Counsel, Copies furnished to: USA,USPS,USPO,USMS (kcg) (Entered: 01/16/2004)
01/28/2004		Pre-trial conference as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte held before Mag. Judge Susan R. Walker on 1/28/04 (jct) (Entered: 01/28/2004)
01/28/2004	102	Courtroom Deputy's Minutes as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte : Pretrial Conference (2:19 - 2:26 Walker) (jct) (Entered: 01/28/2004)
01/28/2004	103	MOTION by Alphonso Norman to continue [103-1] referred to Judge Mark E. Fuller (kcg) (Entered: 01/29/2004)
01/28/2004	104	WAIVER of Speedy Trial by Alphonso Norman (kcg) (Entered: 01/29/2004)
01/29/2004	105	OBJECTION by Alphonso Norman to [98-1] report and recommendations and Request for De Novo Hearing. (kcg) (Entered: 01/29/2004)
01/29/2004	105	MOTION by Alphonso Norman for a De Novo Hearing [105-1] referred to Mag. Judge Susan R. Walker (kcg) (Entered: 01/29/2004)
01/29/2004		TRANSCRIPT filed of Hearing on Motion to Suppress in case as to Alphonso Norman, Capulco Peralte for dates of 1/8/04 by Court Reporter Jimmy Dickens. (kcg) (Entered: 02/03/2004)
01/30/2004	<u>106</u>	ORDER as to Alphonso Norman setting that the government file a Response to Motion set for 2/4/04 for Alphonso Norman for [103-1] motion to continue Signed by Judge Mark E. Fuller) Copies mailed to: Dft.,Counsel, Copies furnished to: USA,USPS,USPO,USMS (kcg) (Entered: 01/30/2004)
02/02/2004	107	MOTION by Alphonso Norman for Severance [107-1] referred to Judge Mark E. Fuller (kcg) (Entered: 02/03/2004)

02/03/2004	<u>108</u>	ORDER as to Alphonso Norman, Capulco Peralte that the sentence beginning "Conway did not learn..." at lines 1-3 on page 7 of the Recommendation be CORRECTED to read as follows: "Conway did not learn of the error until after Detective Gene Sisson was confronted with the mistake when Sisson was on the witness stand in a detention hearing in this case, well after the arrest of the defendants." (Signed by Mag. Judge Susan R. Walker) Copies mailed to: Counsel, Copies furnished to: USA,USPS,USPO,USMS,JT (kcg) (Entered: 02/03/2004)
02/04/2004	110	RESPONSE by USA as to Alphonso Norman to show cause order [106-2] referred to Judge Mark E. Fuller (kcg) (Entered: 02/04/2004)
02/04/2004	110	MOTION by USA as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte to continue trial [110-1] referred to Judge Mark E. Fuller (kcg) (Entered: 02/04/2004)
02/04/2004	111	MOTION by Alphonso Norman in Limine [111-1] referred to Judge Mark E. Fuller (kcg) (Entered: 02/05/2004)
02/04/2004	112	MOTION by Alphonso Norman to Re-Open Hearing on Motion to Suppress [112-1] referred to Judge Mark E. Fuller (kcg) (Entered: 02/05/2004)
02/05/2004	<u>113</u>	ORDER as to Alphonso Norman Government to file a Response to Motion set for 2/11/04 for Alphonso Norman for [105-1] motion for a De Hearing (Signed by Judge Mark E. Fuller) Copies mailed to: Dft., Counsel, Copies furnished to: USA,USPS,USPO,USMS (kcg) (Entered: 02/05/2004)
02/05/2004	<u>114</u>	ORDER as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte Motion hearing set for 10:00 2/13/04 for Andrew Kenneth James, for Alphonso Norman, for Capulco Peralte before Judge Mark E. Fuller in U.S. Courthouse, Courtroom 2-A re: [110-1] motion to continue trial, Motion hearing set for 10:00 2/13/04 for Andrew Kenneth James, for Alphonso Norman, for Capulco Peralte before Judge Mark E. Fuller in U.S. Courthouse re: [107-1] motion for Severance, Motion set for 10:00 2/13/04 for Andrew Kenneth James, for Norman, for Capulco Peralte before Judge Mark E. Fuller in U.S. Courthouse re: [103-1] motion to continue (by Judge Mark E. Fuller) Copies mailed to: Dfts., Copies furnished to: USA,USPS,USPO,USMS,YG,HC (kcg) (Entered: 02/05/2004)
02/05/2004	<u>116</u>	ORDER as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte that government and dfts. James and Peralte file Responses to Motion set for 2/11/04 for [107-1] motion for Severance filed by dft. Norman (Signed by Judge Mark E. Fuller) Copies mailed to: dfts., counsel, Copies furnished to: USA,USPS,USPO,USMS (kcg) (Entered: 02/05/2004)
02/05/2004	<u>117</u>	ORDER as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte that defendants file a Response to Motion set for 2/11/04 for

		Andrew Kenneth James, for Alphonso Norman, for Capulco Peralte for [110-1] Government's motion to continue trial and response to show cause order (Signed by Judge Mark E. Fuller) Copies mailed to: dfts.,counsel, Copies furnished to: USA,USPS,USPO,USMS (kcg) (Entered: 02/05/2004)
02/05/2004	<u>118</u>	ORDER as to Alphonso Norman that government file a Response to Motion set for 2/11/04 as to Alphonso Norman for [112-1] motion to Re-Open Hearing on Motion to Suppress (Signed by Judge Mark E. Fuller) Copies mailed to: dft., counsel, Copies furnished to: USA,USPS,USPO,USMS (kcg) (Entered: 02/05/2004)
02/06/2004	119	MOTION by USA as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte to continue 2/13/04 hearing (kcg) (Entered: 02/06/2004)
02/06/2004	121	MOTION by Alphonso Norman for Immediate Expedited Relief [121-1] referred to Judge Mark E. Fuller (kcg) (Entered: 02/06/2004)
02/06/2004	122	MOTION by Alphonso Norman to Quash Search Warrant [122-1] referred to Judge Mark E. Fuller (kcg) (Entered: 02/06/2004)
02/06/2004	123	MOTION by Alphonso Norman for Reconsideration of of Order denying the Dft. Norman a reasonable bond Referred to Judge Fuller (kcg) (Entered: 02/06/2004)
02/06/2004	124	RESPONSE by USA as to Alphonso Norman re [107-1] motion for Severance referred to Judge Mark E. Fuller (kcg) (Entered: 02/06/2004)
02/06/2004	125	NOTICE of Appearance for Alphonso Norman by Attorney Leonard Arrington Sr. (kcg) (Entered: 02/09/2004)
02/09/2004	127	Requested Voir Dire Questions by Alphonso Norman as to Alphonso Norman (kcg) (Entered: 02/09/2004)
02/11/2004	128	REPLY by Alphonso Norman to governments response to Show Cause Order and to [110-1] motion to continue trial (kcg) (Entered: 02/11/2004)
02/11/2004	129	Requested Voir Dire Questions by Alphonso Norman (kcg) (Entered: 02/11/2004)
02/11/2004	130	Requested Jury Instructions by Alphonso Norman (kcg) (Entered: 02/11/2004)
02/11/2004	<u>131</u>	ORDER as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte granting [119-1] motion to continue 2/13/04 hearing as to Andrew Kenneth James (1), Alphonso Norman (2), Capulco Peralte (3), granting [120-1] motion to continue 2/13/04 hearing as to Andrew Kenneth James (1) Motion hearing re-set for 4:00 2/13/04 for Andrew Kenneth James, for Alphonso Norman, for Capulco Peralte before Judge Mark E. Fuller in U.S. Courthouse re: [115-1] motion to continue, Motion hearing set for 4:00 2/13/04 for Andrew Kenneth James, for Alphonso Norman, for Capulco Peralte before Judge Mark E. Fuller in U.S. Courthouse re: [110-1] to continue trial, Motion hearing set for 4:00 2/13/04 for Andrew

		Kenneth James, for Alphonso Norman, for Capulco Peralte before Judge Mark E. Fuller in U.S. Courthouse re: [107-1] motion for Severance, Motion hearing set for 4:00 2/13/04 for Andrew Kenneth James, for Alphonso Norman, for Capulco Peralte before Judge Mark E. Fuller in U.S. Courthouse re: [103-1] motion to continue (Signed by Judge Mark E. Fuller) Copies mailed to: Dft.,Counsel, Copies furnished to: USA,USPS,USPO,USMS,YG,HC, (kcg) (Entered: 02/11/2004)
02/11/2004	137	RESPONSE by USA as to Alphonso Norman re [105-1] motion for a De Novo Hearing referred to Judge Mark E. Fuller (kcg) (Entered: 02/12/2004)
02/11/2004	138	RESPONSE by USA as to Alphonso Norman re [112-1] motion to Re-Open Hearing on Motion to Suppress referred to Judge Mark E. Fuller (kcg) (Entered: 02/12/2004)
02/13/2004		Motion hearing held regarding Motions to Continue and Motion to Sever before Judge Mark E. Fuller as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte; Court Reporter Risa Entrekin (kcg) (Entered: 02/17/2004)
02/13/2004	142	Courtroom Deputy's Minutes as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte re: Motions to Continue and Motion for Severance; Court Reporter Risa Entrekin (kcg) (Entered: 02/17/2004)
02/13/2004		ORAL ORDER as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte granting [110-1] motion to continue trial as to Andrew Kenneth James (1), Alphonso Norman (2), Capulco Peralte (3), granting [103-1] motion to continue as to Alphonso Norman (2) (Entered by Judge Mark E. Fuller) (kcg) (Entered: 02/17/2004)
02/17/2004	<u>143</u>	ORDER as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte,, granting [115-1] motion to continue as to Andrew Kenneth James (1) resetting Jury Selection for for 3/22/04 for Andrew Kenneth James, for Alphonso Norman, for Capulco Peralte at U.S. Courthouse in Courtroom 2C , resetting Jury Trial on 3/22/04 for Andrew Kenneth James, for Alphonso Norman, for Capulco Peralte in U.S. Courthouse (Signed by Judge Mark E. Fuller) Copies mailed to: Dfts.,Counsel, Copies furnished to: USA,USPS,USPO,USMS,YG,HC,WR,EL (kcg) (Entered: 02/17/2004)
02/17/2004	<u>144</u>	ORDER as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte that this cause is before the Court on the Motion for Severance (Doc. #107) filed by Alphonso Norman. It is hereby ORDERED that any defendant who wishes to submit any argument in support of severance shall file a setting Brief by February 27, 2004 ; setting Governments reply brief deadline for March 8, 2004 ; and setting deadline for reply to response to brief for March 12, 2004 (Signed by Judge Mark E. Fuller) Copies mailed to: Dfts.,Counsel, Copies furnished to: USA,USPS,USPO,USMS (kcg) (Entered: 02/17/2004)

02/17/2004	<u>145</u>	ORDER as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte that (1.) Any original warrant or affidavit in support of a warrant is this case which is currently in the possession of the United States Attorney's office or any law enforcement officer connected with this case must be produced for inspection by the attorney for the defendants by no later than February 20, 2004; (2.) The Government shall file a written status report on the status of the fingerprint analysis in this case by no later than February 20, 2004, and this report shall be provided to all attorneys for all defendants in this case as well as the Court; (3.) Expert requests in this case must be made no later than February 27, 2004; and (4.) The following motions are referred to the Magistrate Judge for a report and recommendation: Motion to Re-Open Hearing on Motion to Suppress (Doc. 112) filed by Dft. Norman; Motion for Immediate Expedited Relief (Doc. 121) filed by Dft. Norman; Motion to Quash Search Warrant (Doc. 122) filed by Dft. Norman; Motion for Reconsideration of Order Denying a Reasonable Bond (Doc. 123) filed by Dft. Norman; and Motion to Re-Open Hearing on Motion to Suppress (Doc. 126) filed by Dft. Peralte. (Signed by Judge Mark E. Fuller) Copies mailed to: Dfts.,Counsel, Copies furnished to: USA,USPS,USPO,USMS,JT (kcg) (Entered: 02/17/2004)
02/17/2004		(kcg) (Entered: 02/17/2004)
02/17/2004		Motion(s) referred to Mag. Judge Susan R. Walker as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte : [121-1] motion for Immediate Expedited Relief, [112-1] motion to Re-Open Hearing on Motion to Suppress, [122-1] motion to Quash Search Warrant, [123-1] motion for Reconsideration of of Order denying the Dft. Norman a reasonable bond, [126-1] motion to Re-Open Hearing on Motion to Suppress (kcg) (Entered: 02/23/2004)
02/18/2004	<u>146</u>	MOTION by Alphonso Norman for Bruce Maddox to Withdraw as Attorney [146-1] referred to Judge Mark E. Fuller (kcg) (Entered: 02/20/2004)
02/20/2004	<u>147</u>	NOTICE of Response to Court's Order of 2/17/04 by USA as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte (kcg) (Entered: 02/20/2004)
02/20/2004	<u>148</u>	MOTION by Alphonso Norman for Thomas M. Goggans to Withdraw as Attorney [148-1] referred to Judge Mark E. Fuller (kcg) (Entered: 02/23/2004)
02/25/2004		(ekl) (Entered: 02/25/2004)
02/26/2004	<u>149</u>	STAMPED ORDER as to Alphonso Norman granting [146-1] motion for Bruce Maddox to Withdraw as Attorney (Terminated attorney Bruce Maddox for Alphonso Norman as to Alphonso Norman (2) (Entered by Judge Mark E. Fuller) Copies mailed to: Dft.,Counsel, Copies furnished to: USA,USPS,USPO,USMS (kcg) (Entered: 02/26/2004)

02/26/2004	<u>150</u>	STAMPED ORDER as to Alphonso Norman granting [148-1] motion for Thomas M. Goggans to Withdraw as Attorney (Terminated attorney Thomas Martele Goggans for Alphonso Norman as to Alphonso Norman (2) (Entered by Judge Mark E. Fuller) Copies mailed to: Dft.,Counsel, Copies furnished to: USA,USPS,USPO,USMS (kcg) (Entered: 02/26/2004)
02/26/2004	151	MOTION by Alphonso Norman to Extend Deadlines [151-1] referred to Judge Mark E. Fuller (kcg) (Entered: 02/27/2004)
02/26/2004	152	MOTION by Alphonso Norman for Leave of Court to File Additional Motions Outside of Motion Deadline [152-1] referred to Judge Mark E. Fuller (kcg) (Entered: 02/27/2004)
02/27/2004	<u>153</u>	ORDER as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte setting Pretrial Conference for 4:00 3/3/04 for Andrew Kenneth James, for Alphonso Norman, for Capulco Peralte at U.S. Courthouse before Mag. Judge Susan R. Walker in Courtroom 5B (Signed by Mag. Judge Susan R. Walker) Copies mailed to: Dft.,Counsel, Copies furnished to: USA,USPS,USPO,USMS,YG,HC,JT (kcg) (Entered: 02/27/2004)
02/27/2004	154	Response to Court Order Regarding Name and Address of Expert Document Examiner by Alphonso Norman. Referred to Judge Fuller (kcg) (Entered: 02/27/2004)
03/03/2004	<u>156</u>	ORDER as to Alphonso Norman denying [151-1] motion to Extend Deadlines as to Alphonso Norman (2); That any discovery disputes are referred to United States Magistrate Judge Susan Russ Walker for any orders or recommendations as may be appropriate. (Signed by Judge Mark E. Fuller) Copies mailed to: Dft.,Counsel, Copies furnished to: USA,USPS,USPO,USMS (kcg) (Entered: 03/03/2004)
03/03/2004	<u>157</u>	STAMPED ORDER as to Alphonso Norman denying [152-1] motion for Leave of Court to File Additional Motions Outside of Motion Deadline as to Alphonso Norman (2) (Entered by Judge Mark E. Fuller) Copies mailed to: Dft.,Counsel, Copies furnished to: USA,USPS,USPO,USMS (kcg) (Entered: 03/03/2004)
03/03/2004		Pre-trial conference as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte held before Mag. Judge Susan R. Walker on 3/3/04 (jct) (Entered: 03/03/2004)
03/03/2004	158	Courtroom Deputy's Minutes as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte : Pretrial Conference (4:01 - 4:31 Walker) (jct) (Entered: 03/03/2004)
03/04/2004	<u>159</u>	ORDER as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte denying as moot [136-1] motion to continue hearing set on February 13, 2004 as to Capulco Peralte (3) (Signed by Judge Mark E. Fuller) Copies mailed to: Dft.,Counsel, Copies furnished to:

		USA,USPS,USPO,USMS (kcg) (Entered: 03/04/2004)
03/05/2004	<u>160</u>	ORDER as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte setting Telephone Conference Call for U.S. Courthouse at 4:00 3/10/04 for Andrew Kenneth James, for Alphonso Norman, for Capulco Peralte . Counsel for defendant Peralte is DIRECTED to set up the telephone conference call. (Signed by Mag. Judge Susan R. Walker) Copies mailed to: Dft.,Counsel, Copies furnished to: USA,USPS,USPO,USMS,YG,HC (kcg) (Entered: 03/05/2004)
03/08/2004	161	SUPPLEMENTAL RESPONSE by USA as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte re [107-1] motion for Severance, [155-1] motion and Memorandum of Law in Support of and this COurt's ORder of February 17, 2004 (Doc. 144). referred to Judge Mark E. Fuller (kcg) (Entered: 03/09/2004)
03/10/2004	162	NOTICE of Appearance for Alphonso Norman by Attorney Donald Gordon Madison (kcg) (Entered: 03/10/2004)
03/10/2004	163	MOTION by Alphonso Norman to continue trial [163-1] referred to Judge Mark E. Fuller (kcg) (Entered: 03/10/2004)
03/15/2004	<u>164</u>	ORDER [rendered 3/12/04] as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte setting Status Conference for 11:00 3/16/04 for Andrew Kenneth James, for Alphonso Norman, for Capulco Peralte at U.S. Courthouse before Judge Mark E. Fuller in Courtroom 2A (Signed by Judge Mark E. Fuller) Copies mailed to: Dft.,Counsel, Copies furnished to: USA,USPS,USPO,USMS,YG,HC (kcg) Modified on 03/15/2004 (Entered: 03/15/2004)
03/15/2004	166	Requested Voir Dire Questions by USA as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte (kcg) (Entered: 03/16/2004)
03/15/2004	167	Government's Requested Jury Instructions as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte (kcg) (Entered: 03/16/2004)
03/16/2004		Status conference as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte held before Judge Mark E. Fuller on 3/16/04; Court Reporter Jimmy Dickens (kcg) (Entered: 03/16/2004)
03/16/2004	168	Courtroom Deputy's Minutes of Status Conference as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte: Court Reporter Jimmy Dickens (kcg) (Entered: 03/16/2004)
03/17/2004		** Renoticed document [170-1] order (kcg) (Entered: 03/17/2004)
03/17/2004	<u>171</u>	ORDER as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte continuing trial set for March 22, 2004 ; It is further ORDERED that the [163-1] motion to continue trial as to Alphonso Norman (2) is DENIED as MOOT. (Signed by Judge Mark E. Fuller) Copies mailed to: Dft.,Counsel, Copies furnished to: USA,USPS,USPO,USMS,YG,HC,WR,JT (kcg) (Entered: 03/17/2004)

03/17/2004		(Court only) **Terminated deadlines as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte per Order #171 (kcg) (Entered: 03/17/2004)
03/19/2004	<u>172</u>	ORDER as to Andrew Kenneth James, Alphonso Norman, Capulco Peralte denying [155-1] motion and Memorandum of Law in Support of Severance as to Capulco Peralte (3), denying [107-1] motion for Severance as to Alphonso Norman (2) (Signed by Judge Mark E. Fuller) Copies mailed to: Dft.,Counsel, Copies furnished to: USA,USPS,USPO,USMS (kcg) (Entered: 03/19/2004)
03/24/2004	175	MOTION by Alphonso Norman for Out of Time Filing of Supplement to Motion to Suppress [175-1] referred to Mag. Judge Susan R. Walker (kcg) (Entered: 03/25/2004)
03/31/2004		Motion(s) referred to Mag. Judge Delores R. Boyd as to Alphonso Norman : [123-1] motion for Reconsideration of of Order denying the Dft. Norman a reasonable bond (kcg) (Entered: 03/31/2004)
04/02/2004	<u>177</u>	ORDER as to Alphonso Norman denying [123-1] motion for Reconsideration of Order denying the Dft. Norman a reasonable bond as to Alphonso Norman (2) (Signed by Mag. Judge Delores R. Boyd) Copies mailed to: Dft.,Counsel, Copies furnished to: USA,USPS,USPO,USMS (kcg) (Entered: 04/02/2004)
04/07/2004	● <u>178</u>	ORDER as to Alphonso Norman that upon consideration of defendant's motion for out of time filing of supplement to motion to suppress filed March 24, 2004, and for good cause, it is ORDERED that the government file a response to the motion on or before April 9, 2004. . Signed by Judge Susan Russ Walker on 4/7/04. (kcg,) (Entered: 04/07/2004)
04/09/2004	● <u>180</u>	RESPONSE to Motion by United States of America as to Alphonso Norman re [175] Motion for Miscellaneous Relief <i>MOTION FOR OUT OF TIME FILING OF SUPPLEMENT TO MOTION TO SUPPRESS</i> (Brown, Todd) (Entered: 04/09/2004)
04/09/2004	● <u>181</u>	Supplement to MOTION for Out of Time Filing of Supplement to Motion to Suppress (w/attachment) by Alphonso Norman as to Capulco Peralte, Andrew Kenneth James, Alphonso Norman. (kcg,) (Entered: 04/12/2004)
04/23/2004	● <u>186</u>	ORDER denying [105] Motion for a De Novo Hearing as to Alphonso Norman (2). Signed by Judge Mark E. Fuller on 4/23/04. (kcg,) (Entered: 04/23/2004)
05/04/2004	● <u>188</u>	ORDER as to Capulco Peralte, Andrew Kenneth James, Alphonso Norman Jury Trial is set for 7/7/2004 before Honorable Mark E. Fuller. The Magistrate Judge is DIRECTED to hold a pretrial conference no less than thirty days prior to the trial term. Signed by Judge Mark E. Fuller on 5/4/04. (kcg,) (Entered: 05/04/2004)
05/06/2004	● <u>189</u>	MOTION to Strike Forfeiture Allegation and Dismiss Bill of Particulars by United States of America as to Alphonso Norman. (Harmon, John)

		(Entered: 05/06/2004)
05/07/2004	● <u>190</u>	ORDER as to Capulco Peralte, Andrew Kenneth James, Alphonso Norman Pretrial Conference set for 6/3/2004 04:00 PM in Courtroom 5B before Honorable Susan Russ Walker. Signed by Judge Susan Russ Walker on 5/7/04. (kcg,) (Entered: 05/07/2004)
05/17/2004	● <u>194</u>	ORDER granting <u>189</u> Motion to strike forfeiture allegation as to Alphonso Norman (2). It is therefore ORDERED, ADJUDGED and DECREED that the forfeiture allegation is hereby stricken from the indictment and the Bill of particulars filed December 29, 2003, is hereby dismissed. Signed by Judge Susan Russ Walker on 5/17/04. (kcg,) (Entered: 05/17/2004)
06/04/2004	● <u>196</u>	ORDER as to Capulco Peralte, Andrew Kenneth James, Alphonso Norman Pretrial Conference is RESCHEDULED from 6/3/2004 to 6/8/2004 10:00 AM in Courtroom 5B before Honorable Susan Russ Walker. Signed by Judge Susan Russ Walker on 6/4/04. (kcg,) (Entered: 06/04/2004)
06/04/2004	● <u>197</u>	REPORT AND RECOMMENDATIONS as to Capulco Peralte, Andrew Kenneth James, Alphonso Norman Objections to R&R due by 6/17/2004. Signed by Judge Susan Russ Walker on 6/4/04. (kcg,) (Entered: 06/04/2004)
06/08/2004	● <u>198</u>	Minute Entry for proceedings held before Judge Susan Russ Walker :Pretrial Conference as to Capulco Peralte, Andrew Kenneth James, Alphonso Norman held on 6/8/2004 (Digital Recording 10:11 - 10:16.) (jct,) (Entered: 06/08/2004)
06/21/2004	● <u>202</u>	First MOTION to Strike <i>Objections to Recommendation of Magistrate Judge</i> by Alphonso Norman. (Madison, Donald) (Entered: 06/21/2004)
06/22/2004	● <u>204</u>	OBJECTION TO REPORT AND RECOMMENDATIONS <u>197</u> by Alphonso Norman of <i>Magistrate Judge</i> (Madison, Donald) (Entered: 06/22/2004)
06/25/2004	● <u>211</u>	PRETRIAL CONFERENCE ORDER as to Alphonso Norman, Capulco Peralte Jury Trial set for 7/7/2004 before Hon. Chief Judge Mark E. Fuller. Jury Selection set for 7/7/2004 before Hon. Chief Judge Mark E. Fuller. Voir Dire due by 6/30/2004; Proposed Jury Instructions due by 6/30/2004; Motions in Limine due by 6/23/2004; Plea Agreement due by 6/28/2004. Signed by Judge Susan Russ Walker on 6/25/04. (kcg,) (Entered: 06/25/2004)
06/28/2004	● <u>212</u>	ORDER denying as moot defendant's <u>202</u> First Motion to Strike objections to the recommendation of the Magistrate Judge as to Alphonso Norman (2). Signed by Judge Mark E. Fuller on 6/28/04. (snc) (Entered: 06/28/2004)
07/01/2004	● <u>213</u>	CORRECTION TO THE RECOMMENDATION OF THE MAGISTRATE JUDGE as to Alphonso Norman, Capulco Peralte that for

		good cause, it is ORDERED that the Recommendation of the Magistrate Judge filed June 4, 2004 is hereby corrected to reflect, at page 2, that the Magistrate Judge recommends denial of the motions considered. The original Recommendation erroneously stated that the motions should be "GRANTED in part and DENIED in part." Signed by Judge Susan Russ Walker on 7/1/04. (kcg,) (Entered: 07/01/2004)
07/01/2004	214	ORDER that upon consideration of Alphonso Norman's Motion in Limine filed on February 4, 2004, (Doc. #111) it is hereby ORDERED that the motion is CONDITIONALLY GRANTED to the extent that before the government may mention the evidence at issue in the presence of the jury, it must first obtain a ruling from the court outside the presence of the jury as to the evidence's admissibility . Signed by Judge Mark E. Fuller on 7/1/04. (kcg,) (Entered: 07/01/2004)
07/01/2004	215	ORDER that after an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that: (1) The objections filed by defendants Alphonso Norman (Doc. #105) and Capulco Peralte (Doc. #101) are overruled; (2) The recommendation of the United States Magistrate Judge entered on January 16, 2004 (Doc. #98) is adopted; and (3) The motions to suppress filed by defendants Aplhonso Norman (Docs. #62,64) and Capulco Peralte (Doc. #73) are DENIED. Signed by Judge Mark E. Fuller on 7/1/04. (kcg,) (Entered: 07/01/2004)
07/01/2004	216	ORDER that after an independent review of the file, it is the ORDER, JUDGMENT and DECREE of the court that: (1) The objections filed by defendants Alphonso Norman (Doc. #204) and Capulco Peralte (Doc. #200) are overruled; (2) The recommendation of the United States Magistrate Judge entered on June 4, 2004 (Doc. #197) is adopted; and (3) The Motion to Re-open Hearing on Motion to Suppress (Doc. #112), Motion for Immediate Expedited Relief (Doc. #121), Motion to Quash Search Warrant (Doc. #122), Motion to Re-open Hearing on Motion to Suppress (Doc. #126), Motion for Out-of-Time Filing of Supplement to Motion to Suppress (Doc. #175), and Supplement to Motion for Out of Time Filing of Supplement to Motion to Suppress (Doc. #181) are DENIED. Signed by Judge Mark E. Fuller on 7/1/04. (kcg,) (Entered: 07/01/2004)
07/01/2004	217	MOTION for Leave to File <i>Jury Instructions Out of Time</i> by Alphonso Norman. (Madison, Donald) (Entered: 07/01/2004)
07/01/2004	218	MOTION for Leave to File <i>Issue of Subpoenas Out of Time</i> by Alphonso Norman. (Madison, Donald) (Entered: 07/01/2004)
07/01/2004		(Court only) ***Motions terminated as to Capulco Peralte, Andrew Kenneth James, Alphonso Norman : 197 REPORT AND RECOMMENDATIONS. (kcg,) (Entered: 08/31/2004)
07/01/2004		(Court only) ***Motions terminated as to Capulco Peralte, Andrew Kenneth James, Alphonso Norman : 181 MOTION filed by Alphonso Norman. (kcg,) (Entered: 08/31/2004)

07/06/2004	● <u>220</u>	ORDER granting <u>218</u> Motion for Leave of Court to Issue Subpoenas Out of Time as to Alphonso Norman (2) to the extent that the defendant may subpoena the Honorable Les Hayes, III., City of Montgomery Municipal Judge. Signed by Judge Mark E. Fuller on 7/6/04. (kcg,) (Entered: 07/06/2004)
07/06/2004	● <u>221</u>	Proposed Jury Instructions by Alphonso Norman (Madison, Donald) (Entered: 07/06/2004)
07/07/2004	● <u>227</u>	Minute Entry for proceedings held before Judge Mark E. Fuller :Jury Selection as to Alphonso Norman, Capulco Peralte held on 7/7/2004, Voir Dire begun on 7/7/2004 Alphonso Norman (2) on Counts 1,2,3,4 and Capulco Peralte (3) on Counts 1,2,3,4 (Court Reporter Jimmy Dickens.) (kcg,) (Entered: 07/19/2004)
07/07/2004		(Court only) ***Motions terminated as to Capulco Peralte, Andrew Kenneth James, Alphonso Norman : [209] REPORT AND RECOMMENDATIONS as to Andrew Kenneth James. (kcg,) (Entered: 08/31/2004)
07/09/2004	● <u>223</u>	MOTION <i>for Leave to File Out of Time Motion</i> by United States of America as to Alphonso Norman, Capulco Peralte. (Brown, Todd) (Entered: 07/09/2004)
07/09/2004	● <u>224</u>	MOTION in Limine by United States of America as to Alphonso Norman, Capulco Peralte. (Brown, Todd) (Entered: 07/09/2004)
07/12/2004	●	ORAL ORDER GRANTING Gov'ts. Motions for Out of Time Filing and Motion In Limine. Signed by Judge Mark E. Fuller on 7/12/04. (kcg,) (Entered: 07/19/2004)
07/13/2004	●	ORAL MOTION for Judgment of Acquittal as to all Counts of the Indictment by Alphonso Norman. (kcg,) (Entered: 07/19/2004)
07/13/2004	●	ORAL ORDER that Court reserves ruling as to Counts 1 and 2 of the Indictment and DENIES Motion as to Counts 3 and 4 of the Indictment. Signed by Judge Mark E. Fuller on 7/13/04. (kcg,) (Entered: 07/19/2004)
07/13/2004	●	ORAL MOTION for Judgment of Acquittal as to all Counts of the Indictment by Alphonso Norman. (kcg,) (Entered: 07/19/2004)
07/13/2004	●	ORAL ORDER that Court reserves ruling on Counts 1 and 2 of the Indictment and Collectively and Individually DENIES Counts 3 and 4 of the Indictment. Signed by Judge Mark E. Fuller on 7/13/04. (kcg,) (Entered: 07/19/2004)
07/14/2004	●	ORAL MOTION for Judgment of Acquittal as to Counts 1 - 4 of the Indictment by Alphonso Norman. (kcg,) (Entered: 07/19/2004)
07/14/2004	●	ORAL ORDER reserving ruling on counts 1 and 2 and Denying 3 and 4. Signed by Judge Mark E. Fuller on 7/14/04. (kcg,) (Entered: 07/19/2004)

07/14/2004	●	ORAL MOTION for a Rule 29 Judgment of Acquittal by Alphonso Norman. (kcg,) (Entered: 07/19/2004)
07/14/2004	●	ORAL ORDER that the Court reserves ruling as to Counts 1 and 2 of the Indictment and confirms that the jury's ruling as to Counts 3 and 4 of the Indictment are properly supported. Signed by Judge Mark E. Fuller on 7/14/04. (kcg,) (Entered: 07/19/2004)
07/14/2004	●	ORAL MOTION for Extension of Time to File Motion for a New Trial by Alphonso Norman, Capulco Peralte. (kcg,) (Entered: 07/19/2004)
07/14/2004	●	ORAL ORDER that the Court GRANTS Defendant's Motions for an Extention of Time to File Their Motions for a New Trial. The Defendant's shall file their motions by August 12, 2004, with briefs in support and the Government shall file a reply brief by September 2, 2004 . Signed by Judge Mark E. Fuller on 7/14/04. (kcg,) (Entered: 07/19/2004)
07/14/2004	●228	Minute Entry for proceedings held before Judge Mark E. Fuller :Jury Trial as to Alphonso Norman, Capulco Peralte held on 7/12/04 - 7/14/2004; (Exhibits and Witness Lists maintained in one (1) white box in storage). (Court Reporter Jimmy Dickens.) (kcg,) (Entered: 07/19/2004)
07/14/2004	●229	Court's Instructions to the Jury as to Alphonso Norman, Capulco Peralte (kcg,) (Entered: 07/19/2004)
07/14/2004	●231	JURY VERDICT as to Alphonso Norman (2) Guilty on Counts 1,2,3,4. (kcg,) (Entered: 07/19/2004)
07/15/2004	●226	ORDER as to Alphonso Norman, Capulco Peralte that upon consideration of the defendants' oral challenge to the racial composition of the jury venire made during jury selection on July 7, 2004, it is hereby ORDERED that on or before July 22, 2004, the defendants shall file the appropriate motion. A brief, including any supporting legal authority, and any supporting evidence shall be filed with the motion. Failure to file a motion within the time allowed by the court shall indicate that the defendant has withdrawn his challenge. It is further ORDERED that on or before July 30, 2004, the Government may file a response . Signed by Judge Mark E. Fuller on 7/15/04. (kcg,) (Entered: 07/15/2004)
07/28/2004	●232	ORDER as to Alphonso Norman : Sentencing set for 10/1/2004 09:00 AM before Hon. Chief Judge Mark E. Fuller; that on or before 9/10/04 counsel for parties shall communicate in writing to the probation officer any objections they have to the presentence report; that unless excused in writing by the Chief U.S. Probation Officer, counsel for parties shall be available for a conference with the probation officer on 9/13/04 at 11:00 a.m. to discuss issues contained in the presentence report. Signed by Judge Mark E. Fuller on 7/28/2004. (ws) (Entered: 07/28/2004)
08/12/2004	●235	MOTION for Acquittal <i>and Motion for Judgment Notwithstandaing Verdict and Brief and Memorandum of Law in Support Thereof</i> by Alphonso Norman. (Madison, Donald) (Entered: 08/12/2004)

08/16/2004	●	TRANSCRIPT of Jury Trial Proceedings (3 Volumes) as to Alphonso Norman, Capulco Peralte held on 7/12/04 - 7/14/04 before Judge Mark E. Fuller. Court Reporter: Jimmy Dickens. (kcg,) (Entered: 08/20/2004)
08/31/2004	● <u>236</u>	RESPONSE to Motion by United States of America as to Capulco Peralte, Alphonso Norman re <u>235</u> MOTION for Acquittal <i>and Motion for Judgment Notwithstandaing Verdict and Brief and Memorandum of Law in Support Thereof</i> , [234] MOTION for New Trial (Brown, Todd) (Entered: 08/31/2004)
09/08/2004	● <u>237</u>	REPLY TO RESPONSE to Motion by Alphonso Norman re <u>235</u> MOTION for Acquittal <i>and Motion for Judgment Notwithstandaing Verdict and Brief and Memorandum of Law in Support Thereof Defendant Norman's Reply to the Plaintiff's</i> (Madison, Donald) (Entered: 09/08/2004)
09/08/2004	● <u>238</u>	First MOTION to Strike <i>Portions of Government's Response</i> by Alphonso Norman. (Madison, Donald) (Entered: 09/08/2004)
09/21/2004	● <u>239</u>	ORDER as to Alphonso Norman that on or before 9/28/2004, the defendant shall file with the Clerk of the Court in writing any objection to the presentence report that is predicated upon Blakely v. Washington and will be raised before this court at sentencing, etc. The defendant is ADVISED that a failure to file a written objection by the date specified will be viewed by the court as an indication that the defendant has no unresolved Blakely objection that will require a ruling from the court at sentencing. Signed by Judge Mark E. Fuller on 9/21/04. (kcg,) (Entered: 09/21/2004)
09/28/2004	● <u>244</u>	MOTION Objection to Pre-Sentence Report by Alphonso Norman. (Madison, Donald) (Entered: 09/28/2004)
09/29/2004	● <u>246</u>	ORDER as to Alphonso Norman, Capulco Peralte that the defendants' challenge to the racial composition of the jury venire is WITHDRAWN, as further set out . Signed by Judge Mark E. Fuller on 9/29/04. (kcg,) (Entered: 09/29/2004)
09/29/2004	● <u>247</u>	MEMORANDUM OPINION AND ORDER as to Alphonso Norman, Capulco Peralte, ORDER as to Alphonso Norman, Capulco Peralte DENYING [234] MOTION for Judgment of Acquittal filed by Capulco Peralte; DENYING MOTION for New Trial filed by Capulco Peralte; Defendant Alphonso Norman's Oral Motion for Judgment of Acquittal as to Counts One and Two is DENIED; DENYING <u>235</u> MOTION for Acquittal <i>and Motion for Judgment Notwithstandaing Verdict and Brief and Memorandum of Law in Support Thereof</i> filed by Alphonso Norman; DENYING <u>238</u> First MOTION to Strike <i>Portions of Government's Response</i> filed by Alphonso Norman . Signed by Judge Mark E. Fuller on 9/29/04 (kcg,) (Entered: 09/29/2004)
10/01/2004	●	ORAL ORDER as to Alphonso Norman in response to objections by defense counsel to the PSR that the Court ORDERS the removal of

		paragraph #37 from the PSR. Also, the Court ORDERS that paragraph #36 of the PSR regarding robbery issues be designated as an informal disposition to the PSR. The Court will also DENY the forceability issue and stands by its previous Memorandum Opinion . Signed by Judge Mark E. Fuller on 10/1/04. (kcg,) (Entered: 10/04/2004)
10/01/2004	●	ORAL MOTION to Strike Forfeiture Allegations by United States of America as to Alphonso Norman. (kcg,) (Entered: 10/04/2004)
10/01/2004	●	ORAL ORDER as to Alphonso Norman GRANTING ORAL MOTION to Strike Forfeiture Allegations filed by United States of America. Signed by Judge Mark E. Fuller on 10/1/04. (kcg,) (Entered: 10/04/2004)
10/01/2004	● <u>250</u>	Minute Entry for proceedings held before Judge Mark E. Fuller :Sentencing held on 10/1/2004 for Alphonso Norman (2) (Court Reporter Jimmy Dickens.) (kcg,) (Entered: 10/04/2004)
10/05/2004	● <u>252</u>	JUDGMENT as to Alphonso Norman (2), 1, 2, 3, 4, 121 MOS IMP; 4 YS SUP REL; \$400 SA . Signed by Judge Mark E. Fuller on 10/5/04. (kcg,) (Entered: 10/05/2004)
10/08/2004	● <u>255</u>	NOTICE OF ATTORNEY APPEARANCE FOR APPEAL: appearing for Alphonso Norman (ydw,) (Entered: 10/13/2004)
10/08/2004	● <u>256</u>	NOTICE OF APPEAL by Alphonso Norman to the United States Court of Appeals Eleventh Circuit from 252 Judgment entered in this case. Copy to USCA (ydw,) (Entered: 10/13/2004)
10/12/2004	●	USCA Appeal Fees received \$ 255.00, receipt number 103859 as to Alphonso Norman re <u>256</u> Notice of Appeal - Final Judgment: No pdf document with this entry (ydw,) (Entered: 10/13/2004)
10/13/2004	●	Transmission of Notice of Appeal and Certified Copy of Docket Sheet and Judgment as to Alphonso Norman to US Court of Appeals re <u>256</u> Notice of Appeal - Final Judgment. There is no pdf document with this entry (ydw,) (Entered: 10/13/2004)
10/18/2004	●	TRANSCRIPT of Sentencing Proceedings as to Alphonso Norman held on 10/1/04 before Judge Mark E. Fuller. Court Reporter: Jimmy Dickens. (kcg,) (Entered: 10/19/2004)
10/20/2004	●	USCA Case Number as to Alphonso Norman 04-15292-F for <u>256</u> Notice of Appeal - Final Judgment filed by Alphonso Norman. There is no pdf document with this entry (ydw,) (Entered: 10/21/2004)
10/21/2004	● <u>257</u>	Received TRANSCRIPT Information Sheet from Cloud H. Miller counsel for Alphonso Norman re <u>256</u> Notice of Appeal - Final Judgment with following notation: "I Am Ordering A Transcript of The Following Proceedings" Sentencing proceedings held on 10/1/04 before Judge Mark E. Fuller (ydw,) (Entered: 10/21/2004)
10/21/2004	● <u>258</u>	MOTION by Cloud H. Miller, III, for admission Pro Hac Vice re <u>256</u> Notice of Appeal by Alphonso Norman. (ydw,) (Entered: 10/22/2004)

10/21/2004		(Court only) Payment Received: Pro Hac Vice Fee from Cloud H. Miller, III counsel for Alphonso Norman, \$ 20.00, receipt number 103988 (ydw,) (Entered: 10/22/2004)
10/21/2004	●	Attorney update in case as to Alphonso Norman. Attorney Cloud H. Miller for Alphonso Norman added pursuant to motion for pro hac vice filed 10/21/04. (ydw,) (Entered: 10/22/2004)
10/22/2004	●259	ORDER granting 258 Motion to appear pro hac vice as to Alphonso Norman (2). Signed by Judge Mark E. Fuller on 10/22/04. (ydw) (Entered: 10/22/2004)
10/26/2004	●260	MOTION to Withdraw as Attorney for <i>Alphonso Norman</i> by Donald G. Madison. by Alphonso Norman. (Madison, Donald) (Entered: 10/26/2004)
10/29/2004	●261	ORDER granting 260 Motion to Withdraw as Attorney. Donald Gordon Madison withdrawn from case as to Alphonso Norman (2). Signed by Judge Mark E. Fuller on 10/29/04. (ws) (Entered: 10/29/2004)
11/16/2004		(Court only) Payment Received: as to Alphonso Norman \$ 400.00 assessment payment; receipt number 104416 (ws,) (Entered: 11/16/2004)
11/19/2004	●263	NOTICE OF ATTORNEY APPEARANCE Louis V. Franklin Sr. appearing for USA. (Franklin, Louis) (Entered: 11/19/2004)
11/19/2004	●264	MOTION Return Evidence by United States of America as to Alphonso Norman, Capulco Peralte. (Franklin, Louis) (Entered: 11/19/2004)
11/22/2004	●265	ORDER as to Alphonso Norman, Capulco Peralte directing defendants to show cause by 12/1/04 as to why the government's 264 MOTION for Return of Evidence should not be granted. Signed by Judge Mark E. Fuller on 11/22/04. (snc) (Entered: 11/22/2004)
11/30/2004	●266	RESPONSE TO ORDER TO SHOW CAUSE by Alphonso Norman (Miller, Cloud) (Entered: 11/30/2004)
12/08/2004	●268	ORDER granting 264 Motion for Return of Evidence as to Alphonso Norman (2), Capulco Peralte (3). The Clerk of the Court is hereby DIRECTED to return Government Exhibit 7 to the Assistant U.S. Attorney Louis V. Franklin, Sr. Signed by Judge Mark E. Fuller on 12/8/04. (kcg,) (Entered: 12/08/2004)
12/09/2004	●	TRANSCRIPT filed as to Capulco Peralte, Andrew Kenneth James, Alphonso Norman for dates of February 13, 2004, for Hearing on Pending Motions held before Judge Mark E. Fuller, re 256 Notice of Appeal, Court Reporter: Risa L. Entrekin. (ydw,) (Entered: 12/09/2004)
12/09/2004	●	Transcript Acknowledgment received from Risa L. Entrekin, Court Reporter on 12/9/04, that the transcript (1 vol.) has been completed and filed with the district court. (ydw,) (Entered: 12/09/2004)
01/11/2005	●272	Judgment Returned Executed as to Alphonso Norman on 12/22/04 and filed on 1/11/05. (kcg,) (Entered: 01/12/2005)

03/31/2005	●	Certificate of Readiness to US Court of Appeals re 04-15292-F, <u>256</u> Notice of Appeal - Final Judgment (ydw,) (Entered: 03/31/2005)
04/22/2005	●	Request for Record on Appeal By USCA Eleventh Circuit re: 04-15292-FF, <u>256</u> Notice of Appeal (ydw,) (Entered: 05/12/2005)
05/12/2005	●	Certified and Transmitted Record on Appeal as to Alphonso Norman to US Court of Appeals re 04-15292-F, <u>256</u> Notice of Appeal - Final Judgment (ydw,) (Entered: 05/12/2005)
03/21/2006	● <u>273</u>	Per Curiam Opinion received from USCA Eleventh Circuit of Opinion Entered on 1/11/2006; AFFIRMED. BEFORE CARNES, HULL and PRYOR, Circuit Judges. (dmn) (Entered: 03/23/2006)
03/21/2006	● <u>274</u>	JUDGMENT ISSUED AS MANDATE 1/11/2006 of USCA (certified copy) as to Capulco Peralte re [254] Notice of Appeal - Final Judgment; and Alphonso Norman re <u>256</u> Notice of Appeal - Final Judgment, AFFIRMING the District Court's decision. (dmn) (Entered: 03/23/2006)
03/21/2006	●	Appeal Record Returned as to Capulco Peralte and Alphonso Norman: <u>256</u> Notice of Appeal - Final Judgment, [254] Notice of Appeal - Final Judgment. PSI (2) returned to USPO. (dmn) (Entered: 03/24/2006)
10/13/2006	● <u>275</u>	RECEIVED LETTER FROM USCA RE: 04-15292-F, <u>256</u> Notice of Appeal as to Alphonso Norman: The Court today entered the following order in the above- entitled case: The petition for writ of certiorari is denied. William K. Suter, Clerk (ydw,) (Entered: 10/16/2006)